

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

Date: Monday, 30 October 2023

Committee: Northern Planning Committee

Date: Tuesday, 7 November 2023

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
There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:

<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard - Assistant Director – Legal and Governance

Members of the Committee

Joyce Barrow
Garry Burchett
Geoff Elner
Ted Clarke
Steve Charmley
Julian Dean
Roger Evans
Nat Green
Vince Hunt (Vice Chairman)
David Vasmer
Paul Wynn (Chairman)

Substitute Members of the Committee

Roy Aldcroft
Gerald Dakin
Steve Davenport
Mary Davies
David Evans
Julia Evans
Nigel Hartin
Nick Hignett
Pamela Moseley

Your Committee Officer is:

Emily Marshall / Shelley Davies Committee Officer

Tel: 01743 257717 / 01743 257718

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the North Planning Committee held on 10th October 2023, attached, marked 2.

Contact: Emily Marshall on 01743 257717.

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5.00 p.m. on Wednesday, 1st November 2023.

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 Proposed Poultry Units, NW Of North Farm, Felton Butler, Montford Bridge, Shropshire (17/05151/EIA) (Pages 7 - 64)

Erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting.

6 Land North West of The Old Smithy, Longslow, Market Drayton, Shropshire, TF9 3QY (23/03515/OUT) (Pages 65 - 84)

Outline application for the erection of a single two-storey dwelling to include access.

7 Car Park Barker Street, Shrewsbury, Shropshire (23/01422/FUL) (Pages 85 - 140)

Proposed mixed use development to include 83 Bed Hotel and 3 No. Retail Units with associated Car Parking and Landscaping

8 Land South Of Hollins Lane, Newport Road, Woodseaves, Market Drayton, Shropshire (19/05127/EIA) (Pages 141 - 172)

Construction of two poultry sheds, feed bins and associated ancillary works

9 Appeals and Appeal Decisions (Pages 173 - 194)

10 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 5th December 2023, in the Shrewsbury Room, Shirehall,

Shrewsbury.

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Committee and Date

Northern Planning Committee

7th November 2023

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 10 October 2023

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

2.00 - 3.27 pm

Responsible Officer: Emily Marshall / Shelley Davies

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk Tel:

01743 257717 / 01743 257718

Present

Councillor Vince Hunt (Vice-Chairman in the Chair)

Councillors Garry Burchett, Geoff Elner, Ted Clarke, Steve Charmley, Julian Dean, Nat Green, David Vasmer, Roy Aldcroft (Substitute) (substitute for Paul Wynn) and Steve Davenport (Substitute) (substitute for Joyce Barrow)

48 Apologies for Absence

Apologies for absence were received from Councillors Joyce Barrow (substitute: Steve Davenport) and Paul Wynn (substitute: Roy Aldcroft).

49 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 15th August 2023 be approved as a correct record and signed by the Chairman.

50 Public Question Time

There were no public questions or petitions received.

51 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 agenda item 5, (minute 52), Councillor Nat Green reported that he was a member of Shrewsbury Town Council Planning Committee and indicated that his views on any proposals when considered by the Town Council had been based on the information presented at that time and he would now be considering all proposals afresh with an open mind and the information as it stood at this time. He was also the local ward councillor for agenda item 5 and in accordance with procedure rules would make a statement and then move away from the table, taking no part in the debate or vote.

With reference to agenda item 5, (minute 52), Councillor Vince Hunt declared that he was a member of the board of STAR Housing and in accordance with procedure rules, he would withdraw from the meeting during consideration of this application and take no part in the debate or vote.

Following Councillor Hunt's declaration, the Committee duly appointed Councillor Ted Clarke as Vice-Chairman for consideration of planning application, 23/03074/FUL, Coton Hill House Berwick Road Shrewsbury Shropshire SY1 2PG only.

52 Coton Hill House, Berwick Road, Shrewsbury, Shropshire, SY1 2PG (23/03074/FUL)

In accordance with his declaration at Minute 51, Councillor Vince Hunt withdrew from the Chair and the meeting room, taking no part in the discussion or vote on this application.

Councillor Ted Clarke chaired the meeting for consideration of this application.

The Senior Planning Officer introduced the application for the conversion of former residential care home to provide 25 no. self-contained supported housing apartments (1B1P) and associated staff offices and training room and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters. The Senior Planning Officer recommended that the condition 6 be amended to require that prior to the first occupation, a detailed management plan be submitted.

Mr Terry Jones on behalf of Project Overview and Response to Coton House Proposal (P.O.R.CH) spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

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

In response to a question relating to the difference between approving the change of use and approving the management plan which would detail how the accommodation was run, the Solicitor explained that although Members were being asked to approve the change of use of the building, for the use to be acceptable it would need to be managed appropriately, which is why it was considered necessary to have a management plan in place. This approach was not unusual and some planning applications did have management plans attached to them, controlling different aspects of development to be required by way of condition.

During the ensuing debate, the option to defer determination of the application was considered. In response, the Senior Planning Officer advised that she did not consider it necessary to delay determination of the application and the concerns expressed could be addressed through the change to condition 6, that was being recommended. The majority of Members agreed that the submission and approval of a detailed management plan controlling the use, occupation, operation and management of the accommodation, prior to the first occupation, would be acceptable.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the proposals subject to the requirement to submit a detailed management plan as recommended by the Senior Planning Officer.

RESOLVED:

That authority be delegated to the Planning and Development Services Manager to grant permission subject to;

- The conditions as set out in Appendix 1 of the Planning Officer's report;
- An amendment to condition 6 to require the submission and approval of a detailed management plan, prior to the first occupation; and
- Any amendments to the conditions that are considered necessary.

53 Welshpool Road/Somerby Drive/Clayton Way Roundabout, Shrewsbury (23/02351/ADV)

The Senior Planning Officer introduced the application for the erection and display of two sponsorship signs placed on the roundabout (amended description).

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

54 Roundabout Junction Hanwood Road / Red Deer Road / Bank Farm Road, Shrewsbury, Shropshire, SY3 6AR (23/03684/ADV)

The Senior Planning Officer introduced the application for erection and display of three sponsorship signs placed on the roundabout.

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

55 Proposed Poultry Units NW Of North Farm, Felton Butler, Montford Bridge, Shropshire (17/05151/EIA)

The Principal Planning Officer introduced the application for the erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting.

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

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members felt that consideration of the application should be deferred to the next scheduled meeting to allow for the expiry of the statutory consultation period for comments and representations and to give the applicant the opportunity to provide the additional information required.

RESOLVED:

That determination of the application be deferred to the next meeting of the Northern Planning Committee due to take place on 7th November 2023, to allow for the expiry of the statutory period for comments and representations and to give the applicant the opportunity to provide the additional information required.

56 Land Adjacent To Churncote Island, Welshpool Road/A5 Welshpool Road, Bicton Heath, Shrewsbury, Shropshire (22/02464/FUL)

The Committee received the report of the Assistant Director of Economy & Place.

RESOLVED:

1. That the previously approved minutes of the meeting of the Northern Planning Committee held on 23rd May 2023 be amended to show the financial contribution towards the NWRR as £80,000.
2. That the decision can accordingly be granted on the basis of what was actually approved at the Committee meeting along with the amendment as set out above.

57 Appeals and Appeal Decisions

RESOLVED:

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

58 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 7th November 2023 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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AGENDA ITEM



Northern Planning Committee

7 November 2023

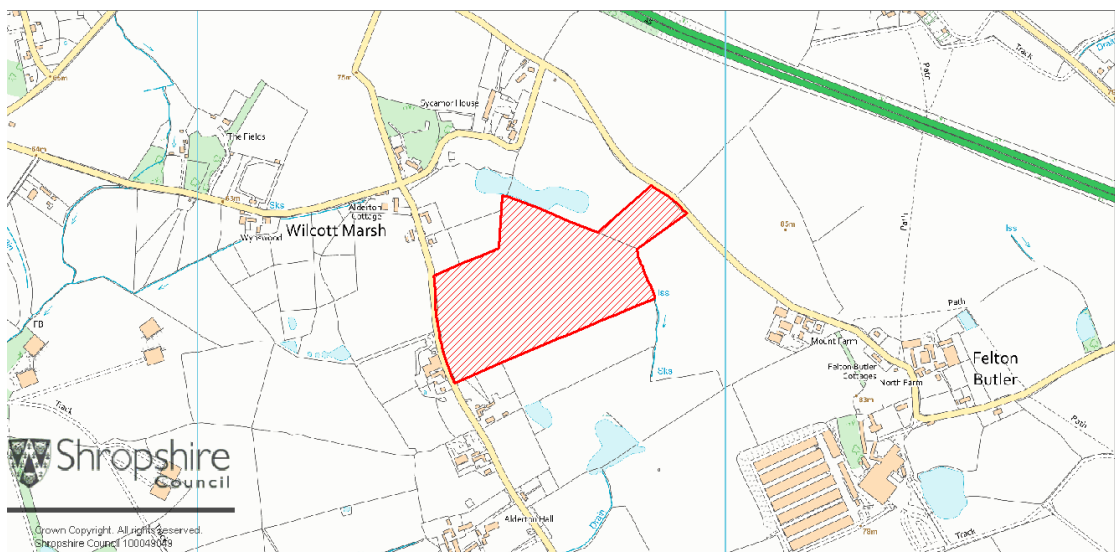
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 17/05151/EIA	Parish:	Great Ness
Proposal: Erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting		
Site Address: Proposed Poultry Units NW Of North Farm Felton Butler Montford Bridge Shropshire		
Applicant: L J Cooke & Son		
Case Officer: Kelvin Hall	email: kelvin.hall@shropshire.gov.uk	

Grid Ref: 338761 - 317806



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UPDATE REPORT

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

REPORT

1.0 BACKGROUND

1.1 This application was presented to the Northern Planning Committee at its meeting on 10th October 2023, with an officer recommendation that planning permission should be refused for the following reasons:

1. *The proposed development, which is Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, has the potential to have significant adverse effects on the environment. These effects relate to potential direct and indirect impacts from ammonia emissions and manure management. Insufficient information has been submitted to demonstrate that the proposed development would not be likely to have significant effects on the environment and in particular on ecological assets from ammonia emissions. The proposals put forward for the management of manure arising from the operation are insufficient and do not demonstrate to a satisfactory degree that this indirect effect of the development would not give rise to adverse environmental impacts on local amenity and in relation to pollution. The proposed development is therefore contrary to Core Strategy policies CS6, CS17 and CS18; SAMDev Plan policies MD2 and MD12; and NPPF paragraphs 174, 175 and 180.*

2. *Insufficient information has been submitted as part of the Environmental Statement to enable a full assessment of the likely highways impacts of the proposal, including the proposed export of manure from the site in order therefore to demonstrate that the traffic likely to be generated by the proposed development can be adequately accommodated on the local highway network. The proposed development is therefore contrary to Core Strategy policy CS6 and SAMDev Plan policy MD8.*

3. *Notwithstanding the landscape mitigation proposals put forward, the proposed development would result in adverse levels of impact on the local landscape character and on visual effects. Whilst the mitigation would help to reduce these in time, it is not considered that the proposal would provide sufficient benefits to outweigh these impacts. The proposed development is therefore contrary to Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD12.*

4. *It is acknowledged that the proposal would provide economic benefits, including from the investment in the creation of the business and the additional and sustained labour requirements which would result from the construction and operation of the development. Nevertheless it is not considered that sufficient information has been submitted to enable an assessment to be made as to whether these benefits would outweigh potential harm that would arise from the proposed development. The proposed development is therefore contrary to Core Strategy policy CS5, SAMDev*

Plan policy MD7b(3), and contrary to the overarching purposes of the planning system to contribute to the achievement of sustainable development, as set out in the NPPF.

- 1.2 At the meeting, and having considered further comments received from the Council's Environmental Protection team, officers recommended a further reason for refusal, as follows:

Insufficient information has been submitted as part of the odour assessment, particularly in relation to input data and peak odour levels, to demonstrate that the odour predictions are sufficiently robust and that there would not be an adverse impact on amenity in the area. The proposal is therefore contrary to Core Strategy policy CS6, SAMDev Plan policy MD7b(3) and and NPPF (para. 185).

- 1.3 Members discussed the application and resolved the following:
That determination of the application be deferred to the next meeting of the Northern Planning Committee due to take place on 7th November 2023, to allow for the expiry of the statutory period for comments and representations and to give the applicant the opportunity to provide the additional information required.

- 1.4 The applicant has now submitted additional information in relation to the above matters. Officers have considered this and have prepared this update report which should be read in conjunction with the previous committee report.

2.0 ADDITIONAL INFORMATION SUBMITTED

- 2.1 Following on from the 10th October committee meeting the applicant's agent has submitted further information to seek to address the issues that had been raised by officers. on from the committee meeting. This comprises an Addendum to the Environmental Statement which includes the following:

- A statement from the applicant's odour consultant in relation to input data and peak odour levels
- Further information in respect of ammonia mitigation measures
- A revised Ammonia Modelling report
- Further explanation on proposed manure management
- Details of proposed passing places along the public highway, routing of traffic including tractors and trailers associated with manure export
- A revised landscaping plan showing additional planting.

3.0 ADDITIONAL REPRESENTATIONS

- 3.1 The formal consultation period has now ended. In relation to the additional information that was submitted following the 10th October meeting, relevant consultees have been consulted. The additional consultee responses and representations that have been received are summarised below. These include those that were detailed on the 'additional representations' schedule that was circulated to Members in advance of the 10th October meeting.

3.2 Consultee Comments

- 3.2.1 **SC Ecology** No objection, subject to conditions.

Since Ecology Team detailed comments of June 2023, a revised ammonia report (Revision 11 dated 13 October 2023) has been submitted (Appendix 3 of the EIA) as well as some commentary by the agent to the previous comments (Appendix 1 of the EIA).

Taking the previous comments in turn:

1) The ammonia report now omits reference to mitigation in the form of switching from organic to inorganic fertilisers for large areas of the farm. It is now confirmed that mitigation proposed is the installation of ammonia scrubbers on each new unit and the reduction in ammonia emissions which would result from taking approximately 5.5 ha of land out of arable use as these areas would be taken up by proposed woodland planting and the actual buildings' footprint.

2) In Appendix 1 of the EIA, the agent states:

'As stated in the [ammonia] report, the modelling of field emissions is based upon an assumed application rates of 150 kg-N/ha/y (Defra average). IF actual rates are available, then these could be modelled, however they are almost certainly likely to be greater than what has been modelled. i.e. the modelling assumptions are conservative. Modelling assumptions are used all the time, why this case should demand actual figures for one aspect of the modelling is questionable, after all, as an example, no comment is made when standard housing or lagoon emission factors are used'

Having analysed the submitted cropping nitrogen requirements for years 2019-2022 alongside Appendix 3 of the EIA, it appears that the nitrogen application rates on the two fields to be taken out of agricultural use have indeed been subject to N application rates at levels higher than 150kg-N/ha/yr since at least 2018. Therefore, it is agreed that the assumed rate of 150 kg-N/ha/yr used in the modelling is conservative and therefore the area of land being taken out of agricultural use is likely to be emitting more ammonia than is included in the modelling.

3) Tables in revision 11 of the ammonia report are now clear as to what they are showing.

Considering the results of the modelling, tables 4a and 4b of the ammonia report (revision 11) present the results of the air quality modelling for ammonia using the precautionary scenario of the outlet ammonia concentration being a constant 2 ppm. At all sensitive sites, the predicted change in ammonia concentrations and nitrogen deposition rates is below 1% of the critical level and critical load, and therefore insignificant.

This application is required to be considered in-combination with any other applications, as it is EIA development and has air quality impacts upon a European designated site (Fenemere Ramsar/SSSI (part of Midland and Mosses Ramsar Site Phase 1).

A search of applications currently undecided or not in the background has identified one other site which needs to be assessed in combination with this application. This is 18/04877/FUL Burlton Lane Farm which has been decided but is not yet operational,

so not yet in the background.

The results of the in-combination assessment for Fenmere Ramsar/SSSI are shown below:

Reference	Process Contribution (ug/m3)	% of Critical Level	Process contribution (kg-N/ha/yr)	% of Critical Load
17/05151/EIA*	0.001	0.069	0.005	0.054
18/04877/FUL	0.008	0.08	0.06	0.6
COMBINED	0.009	0.149	0.065	0.654

**Results from Table 4b of A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire, Revision 11 (AS Modelling & Data Ltd, 13 October 2023)*

This demonstrates that with the scrubbers and taking c. 5.5 ha of arable land out of agricultural use as mitigation for air quality impacts, that impacts upon Fenmere RAMSAR will be insignificant. The combined air quality impacts will not exceed 1% of Fenemere's critical level or load.

Published guidance on Habitats Regulations Assessments states that where an assessment of air quality impacts is undertaken, and the critical level or lower critical load of a site or habitat is exceeded with the Proposed Scheme, but the increase (including in-combination with other plans and projects) is less than 1% of the critical level or load, the impact is considered unlikely to result in a significant effect.

Institute of Air Quality Guidance at 5.5.1.7 goes on to explain: 'The 1% threshold has become widely used throughout the air quality assessment profession to define a reasonable quantum of long-term pollution which is not likely to be discernible from fluctuations in background/measurements. For example, for many habitats, 1% of the critical load for nitrogen deposition equates to a very small change of less than 0.1 kgN/ha/yr, well within the expected normal variation in deposition.'

It is noted that the acceptability of this proposed development is reliant on both the installation of ammonia scrubbers and an area of tree planting not less than 30,114m² as detailed in table 2b of the ammonia report (revision 11). However, the submitted Landscape Plan (drawing number 1491.04, Appendix 7 of the EIA) does not show any of the required tree planting and is therefore, not acceptable at this current time for approval.

The submission of a landscape plan to show the required area of tree planting should therefore be conditioned.

Recommended conditions: It is recommended that conditions are imposed to require:

- Development to be in accordance with the Reasonable Avoidance Measures

- Badger inspection to be undertaken
- Submission of landscaping scheme for approval

3.2.2 SC Public Protection

In response to the further information received following the 10th October committee meeting:

No comments received at the time of writing this report.

Comments received in advance of the 10th October 2023 committee meeting:

There has been no further odour or noise reports submitted since Environmental Protection last provided comments in Nov 2020, hence the conclusions of these reports will not be revisited. However, Environmental Protection highlights the following points for consideration:

Queries have been raised regarding the inspectors report for a recent appeal hearing. The Inspector questioned the model input data and methodology used in assessing the odour and whether the assessment considered the peak odour levels for example during shed clearance. An independent expert witnesses provided evidence at this hearing and agreed that the methodology of the assessment was in accordance with guidance and appropriate. Environmental Protection does not have the specialist expertise to comment on the findings of this hearing in regards to the expert reports and the modelling methodology.

However, Section 3.2 of the odour report indicates that there is little factual information on odour emission levels during clear out and the odour model has not specifically considered the emission levels during clear out. As a result the model does not fully consider the peak levels. To address the concerns raised in the Tasley appeal it is recommended that the applicant is asked to provide evidence to demonstrate that the input data is robust and that the peak levels have adequately been considered. It should be considered whether real emissions data from similar sized sheds could be used in the model, including emission levels during clear out, and whether this would make the model more robust?

It should also be noted that the existing poultry sheds hold an environmental permit, regulated by the Environment Agency and the proposed expansion will require a variation application to be submitted for approval. Environmental Permitting guidance recommends that the permit applications and planning consents are twin tracked to make the process more efficient, both for the applicants and regulators.

Paragraph 188 of the NPPF makes it clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

The environmental Permit regime is designed to prevent pollution, the Environmental Permitting Regulations define pollution as:

pollution, other than in relation to a water discharge activity or groundwater activity, means any emission as a result of human activity which may

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) impair or interfere with amenities or other legitimate uses of the environment;

This definition suggests that you could assume this means impacts on the amenity such as odour and noise will be adequately regulated by the permit. Para 188 of the NPPF makes it clear that we should assume the permit is effectively regulated and should not be imposing conditions for the purpose of controlling emissions that are regulated by the permit, this includes emissions to air, water or land and emissions of odour and noise.

The only exception is where impacts might occur because of the development but are not within the boundary of the environmental permit and therefore would not be controlled by the permit. For example, if the development results in increased traffic flows that may impact on surrounding properties or where muck from an agricultural use is spread off site and hence may have an impact on the surrounding area. These issues may make a site unsuitable for the development.

This application indicates that additional manure from the poultry sheds will be sent to a regulated anaerobic digestion plant, emissions from such plant will also be regulated by the Environmental Permitting regime and therefore EP do not have concerns regarding offsite environmental impacts due to manure disposal. It is recommended that it is a condition of any consent that manure is disposed of via a regulated AD plant.

The noise report indicated that vehicle movements off site were not likely to have a significant adverse impact.

In summary, Environmental Protection does not have concerns regarding potential off site impacts because of the proposed development assuming an appropriate manure management condition is applied. The Environment Agency have been consulted as the regulator of the Environmental Permit and have not raised any concerns regarding the ability of the proposal to meet the objectives of the permitting regime. It is therefore assumed that the potential impacts from onsite activities can be adequately controlled by the Permit.

3.2.3 **SC Highways Development Control** No objection.

It is noted that in response to the issues raised in relation to the provision of passing places, a plan Drg.No.MZ119-10 has been submitted showing 3 passing places being provided. Having considered these proposals, whilst the locations of the 3 passing places are acceptable, it is considered that a further 3 places should be provided. In the circumstances and on the basis that the applicant is prepared to accept this requirement, then the matter could be dealt with under a negatively worded planning condition as previously requested. It is confirmed that the 3 additional passing places

to be provided can be accommodated within the existing highway limits and therefore do not include third party land.

As regards the movement of manure from the site, the supporting information indicates that this would be taken to Wykey Farm and it is assumed therefore that the movement and tonnage of manure to be taken from the application site to Wykey Farm would be contained within the overall tonnage restriction placed upon the Wykey Farm planning consent.

3.2.4 SC Drainage 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 25% for climate change. 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 a greenfield 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 + 25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

The outline drainage strategy report indicates a controlled discharge to the adjacent watercourse it to be used. It must be demonstrated that the watercourse has connectivity to a larger ditch and watercourse network downstream.

Details and plan on how the contaminated water in the yard from spillages or cleaning of poultry units will be managed/ isolated from the main surface water system should be submitted for approval.

3.3 Additional public representations

3.3.1 The following public representations have been received since the original committee report was published.

3.3.2 Objections:

- The 10th October committee report acknowledges that the odour modelling does not allow for cleaning out operations, and that an appeal decision (for a different site) has been made that references that odour modelling does not include cleaning out operations and that the Inspector felt this was incorrect and was part of his reasoning for refusing the appeal
- Appeal decision referred to odour modelling inadequacies and that the conclusions reached in the odour assessment for that site cannot be relied upon
- Committee report stated that the odour assessment was undertaken by a different consultant and did not refer to insufficient odour modelling as a reason for refusal

- However the report has the same inadequacies identified by the Inspector in the appeal referenced above regarding ignoring clean out operations and odour modelling inadequacies and this should be added to the grounds for refusal.

4.0 OFFICER APPRAISAL IN RELATION TO REASONS FOR DEFERRAL

4.1 Ammonia

4.1.1 Since the 10th October meeting a revised ammonia report has been submitted, together with a statement which clarifies a number of issues that were previously raised. The Council's ecologist has reviewed these. In summary:

- It is now clear that ammonia mitigation being proposed is the installation of the air scrubbers on each of the buildings together with the removal of 5.5 hectares of land from arable use, the consequential cessation of fertiliser additions to these areas and tree planting;
- Officers accept that the modelled nitrogen application rates to existing farmland at the site are conservative and as a consequence the land that is proposed to be removed from agricultural use is likely to be emitting more ammonia than is suggested by the modelling;
- The information provided in the tables in the ammonia report is now clear.

4.1.2 The modelling and assessment demonstrate that, with the above mitigation in place, the impacts on the Fenemere Ramsar/SSSI would be insignificant. In relation to the Habitats Regulations assessment, it is considered that the project is unlikely to result in a significant effect on this designated site. This conclusion is subject to the area of tree planting being not less than 3.01 hectares. Subject to the conditions recommended by the ecologist, it is considered that the previously-raised ammonia impact issues have been addressed, and that the proposal complies with relevant policies including Core Strategy policies CS6 and CS17; SAMDev Plan policies MD2 and MD12; and NPPF paragraphs 174, 175 and 180.

4.2 Manure management

4.2.1 The Environmental Statement Addendum includes further details of proposals for manure management. This advises that it is proposed to export manure to Gamber Logistics for use in either AD plants or for spreading onto farmland. Officers have advised the applicant that, under the EIA regulations, there is a requirement to undertake an assessment of indirect effects, such as relating to odour and dust, which may arise from spreading of manure onto farmland. This matter was confirmed under a recent Court of Appeal judgement. No assessment has been provided and therefore this element of the proposal has not been properly addressed. In order to address this the applicant has now confirmed that all manure arising from the proposed operation would be exported off site to an anaerobic digester or other licensed waste management facility for treatment. Officers consider that this satisfactorily addresses the manure management issue.

4.3 Highways

4.3.1 Since the 10th October meeting further highways information has been submitted. This has put forward more details of options for proposed passing places, and in relation to the routing of traffic including those vehicles exporting manure from the site. The

Council's Highways Officer has reviewed these and has advised that a further three passing places should be provided in addition to the three proposed by the applicant. It is considered that this would minimise traffic disruption of the local highway network to an acceptable level. The applicant has agreed to providing six passing places. The proposed heavy vehicles would use a segment of the local highway that is currently used by vehicles associated with the Manor Farm poultry operation which is a short distance away. It is recognised that there is the potential for conflict however given the levels of use, the short distance of the shared route, and the proposed provision of passing places it is not considered that this issue would result in an unacceptable impact on the highway network.

4.4 Odour impact

4.4.1 The additional statement that has been provided by the applicant's odour consultant advises that objective evidence obtained from another broiler unit demonstrates that odour emissions during cleaning out operations would result in no more than a 10% increase in total emissions. It states that this would not be detectable by off-site receptors. It concludes that the modelling approach taken is precautionary and representative. It considers that site management controls can be implemented to minimise emissions. In particular, only cleaning out one shed at a time, and using minimal ventilation during cleaning where possible. These measures could be included with an Odour Management Plan which would be required under the Environmental Permit.

4.4.2 Officers accept that the modelling has taken into account odour emissions during cleaning out operations, and that the level of assessment is satisfactory. Whilst detailed matters relating to emissions would be controlled by the Environment Agency under the Environmental Permit, it is considered that a planning condition can be imposed to required that only one shed is cleaned out at any one time, in order to minimise odour release. Subject to this it is considered that the previously-raised odour issues have been addressed, and that the proposal would not result in unacceptable levels of odour and is therefore acceptable in relation Core Strategy policies CS5 and CS6, SAMDev Plan policy MD7b and the NPPF

4.5 Landscape impact

4.5.1 The applicant has submitted an updated landscaping plan which includes additional tree planting. It is considered that this would provide additional visual and ecological benefits. A detailed plan, to include this and the specification for ammonia mitigation planting, can be required as part of a planning condition.

5.0 UPDATED PLANNING BALANCE AND CONCLUSION

5.1 The proposal for a new poultry rearing operation at North Farm, Felton Butler would constitute a diversification of the existing agricultural business and would result in economic benefits in terms of construction activity, employment of labour both during construction and the ongoing operation of the poultry business; and the related investment in buildings and infrastructure. It is considered that the assessments submitted in relation to noise and odour impacts have satisfactorily demonstrated that the operation can be undertaken at this site without adversely affecting local amenity to an unacceptable degree, either in isolation or cumulatively with other activities in the

area.

5.2 The further information submitted, which provides more clarity on proposed mitigation measures, now provides a satisfactory level of assessment in relation to potential ecological impacts from ammonia emissions. The proposals put forward for the management of manure arising from the operation are now satisfactory. Furthermore, the additional highways information which has been submitted, which includes improvements in the form of passing places, now demonstrates that the likely impacts on the highway network would not be unacceptable. An enhanced landscaping plan has also been provided. Whilst it is recognised that a proposal of this nature and scale is likely to result in some impacts in the local area, it is concluded having regard to the benefits of the proposal that these on balance would not be unacceptable. The proposed development is therefore in line with Development Plan policy and it is recommended that planning permission can be granted subject to the conditions set out 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 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS7 - Communications and Transport
CS13 - Economic Development, Enterprise and Employment
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OYAFPITDHDA00>

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) - Councillor Chris Schofield

Local Member

Cllr Ed Potter

Appendices
APPENDIX 1

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, drawings and documents as listed in Schedule 1 below.

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 foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

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

4. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) details of measures proposed to prevent water pollution during construction works and prior to the completion of the drainage scheme, and
- b) identification of persons responsible for implementation of the approved CEMP:

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect the water environment from pollution.

5. Prior to the commencement of the development a scheme shall be submitted in writing detailing contingency measures to be adopted to in the event that the operation of one or more of the scrubbing units is not possible, such as plant breakdown, and set out procedures to ensure that the time without the use of air scrubbing is minimised. The poultry rearing operation shall be undertaken in accordance with the approved scheme.

Reason: To mitigate adverse impact on biodiversity from ammonia emissions consistent with the SAMDev Plan policy MD2 and the NPPF.

6. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a. Planting plans including an area of no less than 3 hectares of native woodland tree planting as shown in Figure 2 of 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed

Mitigation Measures at North Farm, near Felton Butler in Shropshire', Revision 11 (AS Modelling & Data Ltd, 13 October 2023)

- b. Written specifications for establishment and aftercare of planting;
- c. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d. Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species. The approved plan shall be carried out as approved.

Reason: To ensure the provision appropriate landscape design for biodiversity and visual impact mitigation.

7. No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The site may hold archaeological interest.

8. Prior to the commencement of the development full engineering details of a total of six passing places along the local highway network (C1060), between the site access and the A5 (T), shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before any construction of the proposed buildings are undertaken.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway, nor cause inconvenience to other highway users, during construction of the development and the use of the site thereafter.

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

9. 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.

10. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

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

clearance, demolition or construction.

11. The permitted poultry operation shall not commence until the approved vehicular access and visibility splays have been completed. The area within the sight lines shall also be kept clear of all obstructions, in perpetuity.

Reason: To ensure that the development should not prejudice the free flow of traffic and any conditions of safety on the highway, nor cause inconvenience to other highway users, during construction of the development and the use of the site thereafter

12. Within six weeks prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence, or a change in status, of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

13. Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) shall be submitted to the LPA to confirm that the air scrubbers as detailed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire' (AS Modelling & Data, 4th January 2021, Revision 11 (13th October 2023), 'Air scrubber: Noise Impact Assessment' Report M1723/R03 (Matrix, 29 June 2020) and Addendum Report - Assessment of Odour Impact of Proposed Poultry Unit at North Farm, Felton Butler, Montford Bridge, Shrewsbury with Air Scrubbers (ADAS, June 2020) have been installed and are fit for purpose. The air scrubbers shall be maintained and operated thereafter, in accordance with the manufacturer's instruction for the lifetime of the development.

Reason: To prevent adverse impact on biodiversity 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.

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

14. Any gates provided to close the proposed access shall be set a minimum distance of 20 metres from the carriageway edge and shall be made to open inwards only.

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

15. All development including site clearance and landscaping shall proceed strictly in accordance with Reasonable Avoidance Measures as detailed within section 5 of Ecological Impact Assessment, Churton Ecology, February 2022.

Reason: To ensure the protection of great crested newt.

16. Forklifts or other mechanical vehicles associated with the collection and delivery of birds shall be electric only.

Reason: To minimise noise emissions.

17. No birds shall be brought to any of the rearing units hereby permitted, unless the associated air scrubbing unit is in effective working order.

Reason: To prevent adverse impact on biodiversity 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.

18. The poultry rearing units hereby approved shall be limited to occupation by 200,000 birds.

Reason: To ensure that the restriction on the maximum number of birds to be kept in the buildings at any one time can be satisfactorily enforced, in order to prevent adverse impact on biodiversity 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.

19. No more than one poultry building shall be cleaned out at any one time.

Reason: To minimise odour emissions in the interests of protecting local amenity.

Informatives

1. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. 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 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 [and buildings] 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. Only if there are no active nests present should work be allowed to commence. No clearance works can take place with

5m of an active nest.

Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>

HABITATS REGULATIONS ASSESSMENT (HRA)

1.0 INTRODUCTION

As required by Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (as amended), before Shropshire Council (the competent authority) can grant planning permission for a project that has the potential to affect an internationally designated site, the council has to undertake a Habitat Regulations Assessment.

This is a record of the Habitat Regulations Assessment (HRA) (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Shropshire Council relating to the following planning application.

NAME OF PLAN OR PROJECT AND DESCRIPTION:	<p>17/05151/EIA</p> <p>Proposed Poultry Units NW Of North Farm, Felton Butler, Montford Bridge, Shropshire</p> <p>Erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting</p>
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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 which are not an integral part of the project but which are put in place 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.

NAME AND DESCRIPTION OF SITE(S) SITE SCREENED IN FOR CONSIDERATION:	<p>Fenemere</p> <p>Fenemere Midland Meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water. Fenemere is also important for its rich aquatic invertebrate fauna. It is included within the Ramsar Phase for its open water, swamp, fen, wet pasture and Carr habitats with the species <i>Cicuta virosa</i> and <i>Thelypteris palustris</i>.</p>
POTENTIAL EFFECT PATHWAYS:	<ul style="list-style-type: none"> Airborne ammonia and nitrogen deposition
IS THE PROJECT DIRECTLY CONNECTED WITH OR NECESSARY TO THE MANAGEMENT OF THE SITE (PROVIDE DETAILS)?	<p>No</p>
ARE THERE ANY OTHER PROJECTS OR PLANS THAT TOGETHER WITH THE PROJECT BEING	<p>Yes. Planning applications pending a decision, permitted developments yet to be built and permitted developments which came into use after the last update of the APIS background levels</p>

ASSESSED COULD AFFECT THE SITE (PROVIDE DETAILS)?	which would give rise to ammonia emissions/nitrogen deposition on the designated site of Fenemere Ramsar.
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2.1 ARE SIGNIFICANT EFFECTS LIKELY?

In the absence of the proposed mitigation (ie the fitting of ammonia scrubbers & woodland planting) ammonia emissions from an additional 200,000 free range birds, within 10km of Fenemere Ramsar is likely to give rise to significant adverse effects upon the designated site, through airborne ammonia emissions and/or nitrogen deposition.

2.2 SCREENING CONCLUSION

Following Stage 1 screening, Shropshire Council has concluded that the proposed development is likely to have a significant effect on the Midland Meres and Mosses Phase 1 Ramsar – constituent site – Fenemere. An Appropriate Assessment is therefore required.

3.0 HRA STAGE 2 – APPROPRIATE ASSESSMENT

3.1 PREDICTED IMPACTS - ALONE

Information from the air quality report regarding existing and proposed ammonia emissions and nitrogen deposition upon designated sites is shown below.

FENEMERE RAMSAR/SSSI

Proposed* Process Contribution % of Critical Level: 0.069%

Proposed* Process Contribution % of Critical Load: 0.054%

** proposed scenario with emission factors for the proposed poultry units with ammonia scrubbers (mitigation) fitted plus taking 5.5 ha of existing arable land out of agricultural production.*

The modelling shows that the proposal will result in small increases in the existing ammonia and nitrogen process contributions at the above designated site, however, these increases are so small as to be insignificant.

3.2 PREDICTED IMPACTS – IN-COMBINATION

A search of applications currently undecided or not in the background has identified one other site which needs to be assessed in combination with this application. This is 18/04877/FUL Burlton Lane Farm which has been decided but is not yet operational, so not yet in the background.

The results of the in-combination assessment for Fenemere Ramsar/SSSI are shown below:

Project reference	Process Contribution (ug/m3)	% of Critical Level	Process contribution (kg-N/ha/yr)	% of Critical Load
17/05151/EIA*	0.001	0.069	0.005	0.054
18/04877/FUL	0.008	0.08	0.06	0.6
COMBINED	0.009	0.149	0.065	0.654

This demonstrates that with the scrubbers and taking c. 5.5 ha of arable land out of agricultural use as mitigation for air quality impacts, that impacts upon Fenemere RAMSAR will be insignificant. The combined air quality impacts will not exceed 1% of Fenemere’s critical level or load.

3.2 COUNTERACTING (MITIGATION) MEASURES

The following BAT measures are proposed:

- Ammonia scrubbers fitted on the proposed new poultry buildings at North Farm, Felton Butler

In addition, 5.5 hectares of currently arable land will be taken out of agricultural use. Woodland planting will be undertaken of no less than 30,114m² and the land take of arable land under the buildings themselves will cover 2.5 hectares.

3.3 ASSESSMENT OF ADVERSE EFFECTS ALONE

There will be no adverse effect on site integrity, alone.

3.4 ASSESSMENT OF ADVERSE EFFECTS IN COMBINATION

There will be no adverse effect on site integrity in-combination with any other projects.

3.5 SECURING OF MITIGATION MEASURES

The following conditions will secure the required mitigation:

Prior to the commencement of the development a scheme shall be submitted in writing detailing contingency measures to be adopted to in the event that the operation of the scrubbing unit is not possible, such as plant breakdown, and set out procedures to ensure that the time without the use of air scrubbing unit is minimised. The poultry rearing operation shall be undertaken in accordance with the approved scheme.

No birds shall be brought to any of the rearing units hereby permitted, unless the associated air scrubbing unit is in effective working order.

Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) shall be submitted to the LPA to confirm that the air scrubbers as detailed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire, Revision 11' (AS Modelling & Data Ltd, 13 October 2023), 'Air scrubber: Noise Impact Assessment' Report M1723/R03 (Matrix, 29 June 2020) and 'Addendum Report - Assessment of Odour Impact of Proposed Poultry Unit at North Farm, Felton Butler, Montford Bridge, Shrewsbury with Air Scrubbers' (ADAS, June 2020) have been installed and are fit for purpose. The air scrubbers shall be maintained and operated thereafter, in accordance with the manufacturer's instruction for the lifetime of the development.

The poultry laying units hereby approved shall be limited to occupation by 200,000 birds.

No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- a. Planting plans including an area of no less than 3 hectares of native woodland tree planting as shown in Figure 2 of 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire', Revision 11 (AS Modelling & Data Ltd, 13 October 2023)
- b. Written specifications for establishment and aftercare of planting;
- c. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate; and

d. Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved, Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species. The approved plan shall be carried out as approved.

4.0 FINAL CONCLUSION

Following Stage 1 screening, Shropshire Council has concluded that the proposed development is likely to cause significant effects on the Midlands Meres and Mosses Phase 1 Ramsar through the listed pathways detailed in this HRA. Shropshire Council has carried out an Appropriate Assessment of the project, considering further information.

The Appropriate Assessment concludes that with the imposition of mitigation measures as detailed in this HRA, the proposed works under planning application reference 17/05151/EIA will not adversely affect the integrity of the Midlands Meres and Mosses Phase 1 Ramsar.

DATE OF COMPLETION FOR THE HRA SCREENING MATRIX:

30/10/2023

HRA COMPLETED BY:

Suzanne Wykes
Specialist Practitioner (Ecology)
Shropshire Council

Appendix 1

Guidance on completing the HRA Screening Matrix

The Habitats Regulations Assessment process

Essentially, there are two ‘tests’ incorporated into the procedures of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, 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 63, part 1:

63. (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 63, part 5:

63. (5) In light of the conclusions of the assessment, and subject to regulation 64 ([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 “if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site”, or “it may 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)*.

63. (6) In considering whether a project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

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 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 64 of the Conservation of Habitats and Species Regulations 2017. 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 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.



Committee and date
 Northern Planning Committee
 10th October 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

<u>Application Number:</u> 17/05151/EIA	<u>Parish:</u>	Great Ness
<u>Proposal:</u> Erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting		
<u>Site Address:</u> Proposed Poultry Units NW Of North Farm Felton Butler Montford Bridge Shropshire		
<u>Applicant:</u> L J Cooke & Son		
<u>Case Officer:</u> Kelvin Hall	<u>email:</u> kelvin.hall@shropshire.gov.uk	

Grid Ref: 338761 - 317806

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Recommendation: That subject to no significant additional material representations being received during the further consultation and publicity period (in the opinion of the Planning and Development Services Manager in consultation with the Chair of the Northern Planning Committee), planning permission be **refused** for the reasons set out below.

Recommended reasons for refusal

1. The proposed development, which is Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, has the potential to have significant adverse effects on the environment. These effects relate to potential direct and indirect impacts from ammonia emissions and manure management. Insufficient information has been submitted to demonstrate that the proposed development would not be likely to have significant effects on the environment and in particular on ecological assets from ammonia emissions. The proposals put forward for the management of manure arising from the operation are insufficient and do not demonstrate to a satisfactory degree that this indirect effect of the development would not give rise to adverse environmental impacts on local amenity and in relation to pollution. The proposed development is therefore contrary to Core Strategy policies CS6, CS17 and CS18; SAMDev Plan policies MD2 and MD12; and NPPF paragraphs 174, 175 and 180.

2. Insufficient information has been submitted as part of the Environmental Statement to enable a full assessment of the likely highways impacts of the proposal, including the proposed export of manure from the site in order therefore to demonstrate that the traffic likely to be generated by the proposed development can be adequately accommodated on the local highway network. The proposed development is therefore contrary to Core Strategy policy CS6 and SAMDev Plan policy MD8.

3. Notwithstanding the landscape mitigation proposals put forward, the proposed development would result in adverse levels of impact on the local landscape character and on visual effects. Whilst the mitigation would help to reduce these in time, it is not considered that the proposal would provide sufficient benefits to outweigh these impacts. The proposed development is therefore contrary to Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD12.

4. It is acknowledged that the proposal would provide economic benefits, including from the investment in the creation of the business and the additional and sustained labour requirements which would result from the construction and operation of the development. Nevertheless it is not considered that sufficient information has been submitted to enable an assessment to be made as to whether these benefits would outweigh potential harm that would arise from the proposed development. The proposed development is therefore contrary to Core Strategy policy CS5, SAMDev Plan policy MD7b(3), and contrary to the overarching purposes of the planning system to contribute to the achievement of sustainable development, as set out in the NPPF.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting on land at North Farm, Felton Butler. The poultry buildings would each measure approximately 109 metres x 27 metres x 2.7 metres to eaves and 5 metres to ridge. Each unit would have a fan canopy and baffle area at the rear. The control rooms for each unit would be at the front of the buildings. The buildings would be fitted with roof extraction and rear gable end extraction fans. They would include air scrubbers which would provide the majority of the ventilation. Back up ventilation would be provided by the high speed ridge fans. The buildings would be constructed of box profile metal sheeting to walls and roof. The feed bins would be 6.6 metres high with a diameter of 2.8 metres. The proposed biomass store would measure 30 metres x 12 metres x 5.4 metres to eaves and 6.5 metres to ridge. The amenity building would be single storey and measure 20 metres x 10 metres with a pitched roof 2.4 metres to eaves and approximately 3.3 metres to ridge. It is proposed that all of the buildings would be finished in a dark colour of a specification to be agreed with the planning authority.
- 1.2 There would be areas of hardstanding within and around the proposed poultry buildings, to facilitate vehicle manoeuvring and access to the units. External lighting to the buildings would be downward facing and only required during bird catching at night.
- 1.3 Production process: Prior to the crop cycle, fuel would be delivered to the site and the sheds would be pre-warmed to 31°C in preparation for the chick placement. Bedding litter (wood shavings) would then be delivered to the site and spread evenly on the floor using a 'litter spreader'; and feed added to the feed bins. Following completion of preparation works the chicks would be delivered from a hatchery and placed in the sheds. Starter pellets would be manually delivered to the birds at the start of the crop cycle, with the feed mix changing as the birds grow. Water would be provided via nipple drinkers which are designed to minimise spillage. Water use in each house is monitored daily by meters. During the crop cycle the heating would be gradually reduced and the ventilation rate increased. Any fallen birds would be removed each day and stored in sealed containers on site prior to being removed under the National Fallen Stock Scheme.
- 1.4 When the birds reach around five weeks old a 'thinning' would take place. This means that a proportion of the birds would be caught and transported to the processing companies. The thinning would take place over two days, during the day time (i.e. between 0700 and 2300 hours) and night time (i.e. between 2300 hours and 0700 hours of the following day). Thinning would not commence before 0200 hours and the number of movements in any hour during the night would not exceed two.

- 1.5 When the birds are around six weeks old the remainder would be caught and removed from the site. The bird removal takes place over two days. Bird removal takes place in the same way as for the thinning process described above. At the end of the growing period the used litter would be taken away from the site in covered vehicles and taken to AD plants. Wash down and disinfection would then take place ready for the next crop. The wash water would be collected in underground tanks before being spread to agricultural land.
- 1.6 Construction phase: It is anticipated that the construction period would last for approximately 6 months. This phase would include soil stripping, cut and fill operations to achieve the required finished levels; the connection of services including water and electricity supply; and drainage works. This would be followed by the construction of foundations and the above ground building works.
- 1.7 Modifications to planning application following original submission:
Since the application was submitted the following additional information has been submitted:
- Proposed installation of air scrubber units to the buildings
 - Revised Manure Management Plan
 - Revised Odour Impact Assessments;
 - Revised Noise Impact Assessments;
 - Addendum to the Landscape and Visual Impact Assessment to include an assessment of cumulative impacts
 - Revised Ammonia Impact Assessments
 - Revised Ecological Impact Assessment.
- 1.8 In view of the additional information that has been submitted, and in particular the proposal to fit an air scrubber system to the poultry buildings, a re-consultation exercise is being carried out. Details of this, and the representations that have been received in relation to the original consultation and the current re-consultation, are set out in Section 4.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located to the north-west of the settlement of Felton Butler. The area of the site is approximately 9 hectares, comprising an arable field forming part of North Farm. Surrounding land is in agricultural use. There are scattered residential properties in the vicinity of the site, the nearest of which are approximately 190 metres away from the proposed buildings, and to the south-west. There are two Grade II listed buildings to the south-east, approximately 500 metres from the proposed built development. There is an existing poultry farm at Manor Farm, approximately 400 metres to the south-east of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 **Consultee Comments**

Consultation and publicity on the application was carried out when the planning application was first submitted. Since that time, a number of additional and revised documents have been submitted. These include those relating to the proposal to add air scrubber units to the proposed poultry buildings. Given the nature of the proposed amendments to the proposal, a re-consultation process is currently underway. This has included re-consultation with relevant consultees, including the parish councils, and the publication of a further press notice. The statutory period for comments and representations expires on 29th October 2023. The consultee comments set out below relate to the consultation on the application details as they were when first submitted, unless otherwise stated. Any further comments that are received in advance of the committing meeting will be reported separately to Members.

4.1.1 **Great Ness and Little Ness Parish Council** Objects to this large scale application.

1) Highways - the proposal will have an adverse impact on constrained narrow local roads - safety issues, mud on the highway and potholes. The highways report makes a number of flawed assumptions - for example, it uses contradictory speed data and assumes someone will only visit site every few days but this is not realistic for a chicken farm as it needs to be manned daily. The HGV route proposed is unsuitable as you cannot turn left at Manor Farm - please refer to the restriction in regard to this placed on a nearby application - this has not been highlighted in the comments raised by the highways officer and this needs reviewing for consistency with other decisions made. The safety of school children catching buses in area with HGVs passing on narrow lanes is also a concern.

2) Amenity issues, noise and odour - the assessments are inadequate. These are key concerns given the nature and industrial scale of the proposed development

3) Ecological assessment inadequate - it should extend to a radius of 500 metres not 200 metres

4) Landscape issues and screening - the site will be viewable from The Cliffe and Nesscliffe Hills

5) The site will bring very limited employment benefits hence its adverse impacts outweighs any economic benefit to the community

6) The location is isolated from an existing farm business (unlike other chicken farms permitted) and is in open countryside, if the site, were located closer to the A5, the Parish Council may re-consider the proposal.

7) Adverse impact on Rights of Way network and associated tourism by spoiling character of the area

8) There are 5 chicken farms in the area and one in Montford Bridge therefore the cumulative impact of the grounds for objection raised is a significant material consideration

4.1.2 **Montford Parish Council (adjacent parish approximately 330 metres to the south)**

No objections. Has carefully considered the eight reasons for the objection from Great Ness & Little Ness Parish Council. From their location not too far from the A5 these chicken units would seem to create no serious adverse impact on Montford Parish

roads - and in general chicken units of this kind can help some of the smaller and midsized local farms in Shropshire to remain viable and competitive by promoting sensible farm diversification which helps to support the local economy of the area and also helps to provide more home grown food for our country. This comment of no objection is also consistent with Montford Parish Council's previous comment of no objection to a very similar application two years ago for four chicken units at Ensdon Farm in Montford Parish.

4.1.3 **Environment Agency** No objections.

Updated comments 26th September 2023

Environmental Permit: An environmental permit was originally twin tracked alongside the planning submission and was subsequently issued for the proposed broiler house units on the 24 August 2018. The permit allows for up to 230,000 broiler places and associated operation of 2 biomass boilers with an aggregated thermal rated input not exceeding 1.0 MWth, for site heating requirements, burning biomass fuel not comprising waste or animal carcasses. This permit required the use of high velocity roof fans to disperse ammonia emissions from the installation.

The more recent Ammonia Reports (Latest version Rev 9 dated 7th May 2023) describe the use of acid scrubbers to reduce ammonia emissions from the proposed installation. We would require the permit holders to apply for a variation to their permit should they be required to change the air ventilation system from roof fans to a gable end acid scrubber system.

We would expect to see (as part of the permit variation) a reduction of at least 70% ammonia based on the ammonia concentration of the inlet (untreated air) compared with the outlet (acid scrubber-treated air). It is likely that we would require (through the permit variation) the permit holder to carry out detailed ammonia monitoring over a 12 month period to demonstrate that the acid scrubber unit was removing at least 70% of ammonia from the air being treated. This is expected to be a betterment around ammonia compared to the roof vents detailed in the existing permit. We would not review in detail the ammonia reports as part of the planning process. A 2017 European Union agreed BAT Conclusions Document describes the minimum standards (best available techniques) which permitted intensive farms must comply with. (The document is available to view on the planning register).

Environmental Permit 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 then 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: Intensive farming: comply with your environmental permit - GOV.UK (www.gov.uk)

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.

Like ammonia, we do not look at in combination effects for odour or noise.

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' 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, silage, 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: <https://www.gov.uk/government/publications/rural-sustainable-drainage-systems>

Manure Management (storage/spreading): Manure disposal within the applicant's ownership (fields) is controlled through the Environmental Permit. As part of the permit determination, we do not require a Manure Management Plan. However, EP holders are required to operate under 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 applicant's 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 would be required to accord with The Farming Rules for Water and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

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/pollutionprevention-for-businesses>

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for ‘development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development

on surface water run-off.

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.

4.1.5 **Natural England** Insufficient information. [note that the comments below were provided prior to the modification of the application to include air scrubbers].

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Natural England is not able to assess this case as there is insufficient information provided in relation to air quality impacts. Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present.

Our Impact Risk Zones have identified that interest features of the following designated sites:

- Shrawardine Pool SSSI
- Lin Can Moss SSSI
- Fenemere SSSI

may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. In order for us to advise on this case an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet; such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior to reconsulting Natural England.

Natural England has not considered any other matters at this stage. We will provide advice on all relevant matters upon receipt of this information.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our Discretionary Advice Service.

4.1.6 **SC Ecology** Further information required. In the absence of this information it is

recommended that the application is refused as it is not possible to determine if the proposal will or will not have significant effects on ecological assets.

Comments 18/9/23: The submitted information is the same ammonia modelling report version as previously submitted and which the ecology team commented upon in June 2023 (i.e. Revision 9) so the team's comments of then still stand.

There is no commentary with regards the submitted fertiliser application information and so it is not possible to understand them or take them into account. Basically, the submitted information contains many discrepancies and contradictions and it is unclear what ammonia mitigation is being proposed to support the development. For it to be deemed to be 'nutrient neutral' (in terms of ammonia emissions and therefore nitrogen deposition too) robust and up-to-date scientifically accurate information needs to be submitted and be demonstrated to support any conclusion of nutrient neutrality.

Comments 9/6/23 Further information required. In the absence of this information it is recommended that the application is refused as it is not possible to determine if the proposal will or will not have significant effects on ecological assets.

A new revision (9) to the ammonia report has been submitted for consideration and the following matters need to be clarified:

1) What mitigation is actually being proposed? It is unclear as in the latest ammonia report at section 1 (page 3) it is stated:
'There are approximately 78 ha of arable land at North Farm, this land is currently fertilized exclusively using organic manures and/or slurries. Under the proposal, fertilization using organic manures and/or slurries would cease and any fertilization requirement would be provided by inorganic fertilizers (excluding urea based fertilizers).'

However, in section 3.5.2 of the report it is stated:

'Under the proposed scenario the usage of some of all of the land currently under arable production would change:

- 3 ha of woodland would be planted on what is currently arable farmland around the pond to the north of the site of the proposed poultry unit. These woodlands would have a species mix that is designed to maximise ammonia capture and would be managed for nature (Hatched green in Figure 2).
- There would be no fertilisation of the land that would be occupied by the poultry unit (approximately 2.5 ha).'

It is assumed that scrubbers are a proposed mitigation measure, however, what is not clear is whether the scheme is proposing as mitigation that fertilization using organic manures and/or slurries would cease on all of the land in the landholding and that any fertilization requirement would be provided by inorganic fertilisers (excluding urea based fertilizers).

2) How have ammonia emissions from the arable land been calculated? It appears that

the information submitted regarding fertiliser application rates for the farm for the preceding five years have not been used. These were shown in submitted reports 'Ammonia Mitigation Scheme' and 'Ammonia mitigation-5 year fertiliser rates' which showed the use of both organic and inorganic fertilisers on the farm, calling into question the use as mitigation of a switch from organic to non-organic on the wider holding as inorganic fertilisers already appear to be being used. Assumptions used in the report with regards to fertiliser application rates are presented in section 3.5.2 which do not use the five year on-farm information. Rather it is stated:

'All calculations are based upon the assumption that current nitrogen application rates are:

- 150 kg-N/ha/y for arable land.
- 40% of nitrogen in organic manures and slurries is lost as ammonia'.

The five-year on farm data should be used to inform ammonia emission rates.

3) The report is confusing and contradictory. At section 5.2 it is stated:

'The predicted process contribution to maximum annual mean ground level ammonia concentrations and nitrogen deposition rate at the discrete receptors from the proposed poultry houses (with Inno+ scrubbers) minus the existing contribution from the arable land on the site of the poultry houses and the arable land that would be planted with trees (approximately 5.5 ha in total) are shown in Table 4b'.

However, the title for Table 4b is:

'Predicted change in maximum annual mean ammonia concentration and nitrogen deposition rate at the discrete receptors - process contribution from the proposed poultry houses (with Inno+ scrubbers) plus process contribution from proposed arable farming minus process contribution from existing arable farming of the site of the poultry houses and the woodland planting (~5.5 ha)'.

Note therefore that it is unclear whether this table does or does not include 'mitigation' through the (perhaps (unsound)-see comment numbered 2 above) switch from organic to inorganic fertiliser on the whole landholding. Which is correct? What is table 4b actually showing and what data has been used to inform the Process Contributions in Table 4b? This should all be clarified.

Comments 27/5/22:

- The submitted information showing relevant ecological sites does not include Fenemere SSSI/Ramsar or Hencott Pool SSSI/Ramsar
- In their absence it is assumed there is potential for a likely significant effect on both of those sites
- The submitted information which identifies critical levels and critical loads states that these will be more than 1% at all of those sites shown, in the absence of mitigation, and therefore there is potential for likely significant effects on the designated sites and an Appropriate Assessment is therefore required for the internationally designated sites
- With the addition of ammonia scrubbers, critical levels and critical loads would be less than 1%, other than on the Nesscliffe Ancient Woodland, and therefore

- ammonia emissions are unlikely to have significant effects on those sites
- Regarding Nesscliffe AW, an assessment is required as to whether the development will significantly impact the ancient woodland; mitigation should be considered
 - Further information is required as to what mitigation measures are proposed, and this may need to propose additional mitigation over and above the ammonia scrubbers

Other ecology matters: An update ecological survey of the site, to check that the status of species and habitats remains as was recorded in 2017, has been undertaken and an Ecological Impact Assessment (Churton Ecology, dated February 2022) has been submitted. The survey effort and conclusions reached are satisfactory. Conditions to secure mitigation measures as detailed in section E5 of the EclA would need to be imposed should permission be granted.

4.1.7 **Historic England** (Comments received on 27/9/23 following re-consultation) Do not wish to offer any specific comments.

4.1.8 **SC Conservation** Recommends conditions.

In considering this proposal for new poultry sheds and related buildings and feed bins north west of North Farm, near Felton Butler, due regard to the following local and national policies, guidance and legislation would be required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.

A Heritage Impact Assessment has been prepared by Trysor heritage specialists and covers both built heritage and archaeological assets as supporting material with this application. I have reviewed this Report and would acknowledge its findings and conclusions. The findings of the report are also summarized in the Environmental Statement accompanying the application. A separate Landscape and Visual Impact Assessment has also been prepared by Allan Moss Associates Ltd, which is noted.

In order to minimise and mitigate visual impact conditions are recommended to agree material and colour finishes of this development, as well as surface materials for the access lane to the development as part of the landscape plan proposed.

4.1.9 **SC Archaeology** Recommends a condition.

At present, there are no records within the Historic Environment Record relating to archaeological features or finds either on the site itself or in close proximity to it.

We note and concur with the comments provided by the Conservation Officer. The following advice therefore relates solely to archaeological matters.

An Historic Environment Desk Based Assessment by Trysor has been included at Appendix 16 of the Environmental Statement. It is considered that this provides sufficient information regarding to archaeological interest of the proposed development site, in relation to the requirements of Paragraph 128 of the NPPF and Policy MD13 of the Local Plan. We also note and agree with the Assessment's conclusion at paragraph 12.3 that the archaeological potential of the proposed development site is low.

On the basis of the sites low archaeological potential the Assessment recommends that no further archaeological mitigation is required. Strictly speaking, however, the ground conditions on the proposed development site remain untested and some potential for previously unrecorded archaeological features and deposits therefore remains. In view of this and the otherwise limited archaeological potential of the proposed development site, it is therefore recommended in relation to Policy MD13 of the Local Plan that an archaeological inspection of the soil stripping operations be made a condition of any planning permission for the proposed development. This would provide us with an opportunity to check the ground conditions on the site.

4.1.10 **ESP – landscape consultant**

The findings of the LVIA submitted are reliable and set out a comprehensive assessment of the landscape and visual effects of the proposed development. The mitigation proposals appear to be appropriately designed and specified. On the basis of the robust methodology set out in the LVIA, the consistent application of that methodology and the evidence presented in support of the judgements made, that the findings of the LVIA in relation to landscape and visual effects are reliable. The addendum report satisfactorily addresses the concerns that we raised in our December 2017 review of the LVIA, and we are satisfied that its significance ratings remain unchanged.

4.1.11 **SC Public Protection** Recommends conditions.

Comments provided on 26/11/20 following modification of application to incorporate air scrubbers:

Odour: The new proposal including scrubbing technology will significantly reduce odour. The impact of the proposed sheds on existing conditions is, which include a poultry installation in the vicinity, an increase in cumulative odour of less than 1 odour unit in all receptors modelled. Human detection of odour is expected to pick up odour starting at around 1 odour unit, it may be more depending on the individual. As such any increase around or below this value would not be expected to be readily perceived. In turn any increase in this level of odour would not be anticipated to impact significantly on amenity. The odour assessment notes that no residential receptor will have odour levels increased to over 3 odour units, a threshold generally considered to be the point at which odour could start to become a concern. No receptors which currently are predicted to be exposed to odour levels more than 3 units for 98% of the year have the 98th percentile increased by the addition of the proposed installation. This again suggests a low to negligible impact from this development.

Further points were made regarding averaged data and odour being worse in warmer weather. The data is an average however it is an average which is expected to be exceeded for only a very short amount of the year (2% of the year). As such when odour is above the modelled parameters it would not be expected for a significant part of the year. Due to the short duration of the year where odour above the levels predicted occurs the impact of this odour is considered to be low overall although for short periods it may be perceived above this assessment level. In respect to greater odour in warm weather this is a valid point. More odour is likely when weather is above the threshold causing additional ventilation to be brought on line. The modelling takes into consideration weather over several past years when forming its 98th percentile odour unit prediction. As such this aspect has been captured in the model and comments previously made remain unchanged. It may be the case that more of the occasions when odour is found over the 2% of the year benchmark provided in assessment occur in warmer times when people are using external areas or have windows open. Again given the short duration over any given year the impact of the development is considered to be low.

The comments also consider footpath locations. These locations in all cases are predicted to have very small increases in odour of less than 1 odour unit for 98% of the time. The impact on those using these footpaths is therefore considered to be low.

Noise: An assessment has been made of the proposed installation. Previous noise assessment modelled the impact of ridge mounted and gable fans. It considered transport impact from movements on site and biomass boiler noise and provided a cumulative impact of biomass and fan noise. This assessment concluded a low to negligible impact of noise at any location when considering the rating level or the absolute noise level in certain scenarios. Absolute noise level is considered appropriate given the low noise levels reported. The assessment concludes that electric forklifts should be used on site to ensure that night time depopulation movement noise is as low as possible. It is recommended that a condition could be imposed to require this.

A noise assessment is now provided following the inclusion of scrubbing technology. This concluded when scrubbers or emergency ventilation is used noise levels would be lower than previously modelled. Comments have been made on the application noting that the in combination effect of these two operations has not been modelled. This is indeed the case. If the systems could work together and noting the noise levels provided I can conclude that in combination noise levels would be less than previously noted. As such the scrubbing technology provides a betterment in predicted noise levels even on occasions when both ventilation systems are in operation.

The noise assessment is comparing predicted noise levels to a background noise level of still conditions with no rainfall. When windy and/or rainy conditions are found noise from the proposed installation will be masked and less impact perceivable at receptors.

Overall the impact of the proposal is considered likely to have a low impact.

4.1.12 **Highways England**

Comments received 2/10/23.

No objections. Having reviewed the documentation published in support of this planning application re-consultation, we consider that the development is unlikely to have a significant impact upon the SRN (A5). The site is located a considerable distance away from the SRN and the access road described joins the local road network with onward links to the A5 at Felton Butler. In view of the above, National Highways offers no objection to this planning application.

4.1.13 **SC Highways Development Control**

Comments received 29/9/23 following re-consultation.

Further information required. The previous comments from the Council's highways consultant WSP have been reviewed by the Council's highways team, and further comments added to reflect the modifications that have been made to the application. The recommendation from WSP was that no objection was raised subject to the imposition of 2 highway related planning conditions. The Highways team have given further consideration to the issue raised by WSP regarding two poultry operators operating on the same highway network.

As a matter of principle the Highways team are not in disagreement with the assumption that HGV traffic would route to the site via Felton Butler and access onto the A5. That is by far and away the logical route to the A5. That said it is expected that this would need to be dealt with under a Section 106 Routing Agreement, which have been used elsewhere on poultry/mineral applications.

Formalised passing places are required having regard to the limited carriageway widths between the site access to the A5. It is not considered that this issue has been properly considered either by the applicant/agent or by WSP. Whilst WSP cover off this point by way of imposing a negatively worded planning condition, it essentially puts the issue off for another day to resolve, but it is considered that this is a more fundamental matter for this application by virtue of the narrow approach road to the site from the A5 with informal passing places, given the fact that there is an adjacent poultry operator routing by the same road to the A5 and the risk that the bird cycles of both units coincide with one another and the impact that could potentially have on HGV traffic movements meeting one another. This issue would be heightened during those peak HGV movements when the bird depletion takes place and then the removal of manure. In reality the respective poultry operators would be likely to work together but it is not considered that any planning condition or Section 106 agreement clause could control two separate poultry operators, in a way that would meet the planning tests.

In addition to the above there has been no assessment carried out of the background traffic movements on the local highway network in order to better understand the cumulative impacts of the agricultural movements and car movements routing to the

A5. This would in turn would better inform the requirement for passing places. This is an important consideration from the highway authority's perspective since the lack of adequate passing places can have a significant impact upon verge damage and increased maintenance costs.

The application does not also deal with the Manure Management and simply states that bird manure would be taken to Wykey Farm at Ruyton XI Towns. No assessment is provided of the suitability or otherwise of the routing to Wykey Farm. This along with routing between the site and the A5 is material consideration and should be dealt with before planning consent should be granted.

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

1. The proposed surface water drainage strategy in the FRA is acceptable in principle. SuDS Applicability for the site is Infiltration. 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 25% for climate change. 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 not be feasible, drainage calculations should limit the discharge rate from the site equivalent to a greenfield 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 + 25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity. Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

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

4.1.15 **SC Trees** No objection in principle. There are a number of existing trees and hedgerows on the site and these must be retained and protected. along with protection of soil resource in areas on proposed new planting. If planning permission is granted a condition should be imposed to require tree protection measures are implemented including the submission of a Tree Protection Plan and Arboricultural Impact Assessment for approval.

4.1.16 **Shropshire Wildlife Trust** Objects. Has serious concerns relating to this application.

We note a number of objectors, including a chartered ecologist, have expressed concerns relating to the potential impact on wildlife in the area. There will be a range of professional opinion relating to what the most appropriate level of survey effort is. Given the identification of protected species in the area and the size of the development we would recommend a precautionary approach and the more rigorous levels of survey.

A 10m buffer around watercourses is inadequate and virtually impossible to monitor. We would therefore recommend that a larger buffer distance is provided and that this is dedicated to habitat creation. This would benefit the local wildlife, including protected species, and go some way to providing the biodiversity enhancements required by the NPPF.

The number and scale of poultry units in Shropshire is an increasing concern especially when considering in-combination effects and given the high background levels of ammonia concentration and nitrogen deposition. This individual application is a significant development falling under Schedule One of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the same category as a new airport or a nuclear power plant!

We would therefore recommend that the planning authority assess the in-combination effects, to ensure compliance with the Habitats Directive. Should the planning authority be minded to approve the scheme every practical method of reducing emissions should be employed.

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

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition residential properties in the vicinity of the site were directly notified. Objections have been received from 23 households and one letter of support has been received. In addition notification was received of an online petition of objection with a link to this. Details of this are below. The representations made are available on the planning register online, and are summarised below:

4.2.2 Objections:

- increased traffic and impact on local lanes making them unsafe; traffic volumes have been understated; disruption to other road users such as school buses
- damage to verges from HGV use
- impact on use of lanes for horseriders and cyclists
- lack of need for additional chicken sheds
- too close to other chicken sheds; cumulative impact
- landscape impact

- loss of hedgerows
- odour impact and cumulative odour impact; odour reports are unreliable
- inconsistencies in reports about shed clearance
- noise impact and cumulative impact
- pollution risk
- unclear where biomass would be stored
- cruelty to animals
- will sever great crested newt breeding pond connectivity
- insufficient ecological survey for great crested newt, badgers, bats, slow worms and birds
- impact on pond levels and quality
- impact on wildlife
- will need a EPS licence
- no badger mitigation strategy
- insufficient great crested newt mitigation
- impact from illumination of hedgerow
- hedgerow management unclear
- impact on visitors and residents
- environmental impact from spraying waste onto surrounding fields or being exported
- risk of pathogens and disease
- impact on nitrate vulnerable zones
- increase in flies
- impact on drainage channels
- insufficient details as to manure management
- proximity to AONB
- contrary to planning policy
- better siting options elsewhere
- appeal decision in relation to another poultry proposal near Bridgnorth, which was dismissed, raised issues over the methodology of the odour assessment, and that it had failed to consider peak odour concentrations at the end of the growing cycle and during the clearing out process; inspector considered that the assessment could not be relied upon
- inspector considered that although the air scrubbers would reduce ammonia to levels deemed acceptable to the EA, the pollutant levels would be unacceptable; and that where benchmark levels have already been exceeded, this was not justification to make an undesirable situation even worse with adverse impact on ancient woodland

4.2.3 In addition to the above, notice was given to the planning authority in 2020 of an online petition of objection, and a weblink was provided of the details of this. The petition states:

“North Farm in Felton Butler, near Shrewsbury have submitted plans to erect four poultry sheds, to house over 200,000 and ancillary buildings on a greenfield site over 1km down a single lane country road. This impact on road safety, on an already dangerous road; used by children walking to meet school buses, walkers, cyclists,

horses and locals to get to their homes. The proposals will see a major increase in traffic, with up to 10 HGVs on some days and 30 tractor trailer hauling chicken waste. There are currently four other Chicken Farm sites within a two mile radius, with the nearest being only 380m from the proposed site. Please visit cluckoff.org for more info and to raise your objection to the council to get them to refuse planning permission”.

The website states that the petition had 1,309 supporters. Officers requested that the petition organiser provided a copy of the petition so that it could be added to the online public register however no response was received. Details of the addresses of the supporters have not been provided. Members should note that in planning terms it is not the number of objections that count but the substance of what these say.

4.2.4 In addition to the above **Nesscliffe Hills & District Bridleway Association** has objected on the following grounds:

- impact on visual enjoyment and health and safety of horse riders, and other non-motorised users, of the adjacent narrow country lane
- lane, from Felton Butler to Wilcott Marsh, forms an important part of the 46 mile Humphrey Kynaston Way Long distance Bridleway route for walkers, cyclists, and horse riders
- impact on other public rights of way from additional HGV traffic
- visual impact from development and from higher hedgerows
- impact on rural economy from flies, odours, noise and traffic
- impact on local tourism and leisure use which could diminish jobs
- impact on roadside verges which would be eroded by HGVs
- additional traffic from export of manure
- impact on unique character and tranquillity, visual heritage and recreational value

4.2.5 One letter of support has been received, with the following comments:

- Would like to see small farming family businesses be allowed to grow in the current climate of farming; large part of the farm was lost to the Nesscliffe bypass and farm now has land on both sides of it; will help future generations of young farmers

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and

Wales) Regulations 2017 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development proposes 200,000 birds at the site and as such it is 'EIA development'.

- 6.1.2 The planning application is accompanied by an Environmental Statement, as required by the 2017 Regulations. This includes a suite of technical assessments prepared by specialist consultants, and include the following: Noise Assessment; Odour Impact Assessment; Historic Environment Desk-based Assessment; Landscape and Visual Impact Assessment; Ecological Impact Assessment; Woodland Assessment; Ammonia modelling report; Access Assessment; and a Flood Risk Assessment. Since the application was originally submitted, further information has been provided as outlined in paragraph 1.7. The Environmental Statement including relevant assessments therein have been updated to reflect the modifications to the proposal.

6.2 Planning policy context; principle of development

- 6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan includes the Core Strategy and the SAMDev Plan. The proposed development is located in an area of countryside, and Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.
- 6.2.2 The National Planning Policy Framework (NPPF) is a material planning consideration and sets out a presumption in favour of sustainable development and there are three overarching objectives to achieving this: economic; social; and environmental. The NPPF states that significant weight should be given to the need to support economic growth and productivity (para. 80). In respect of development in rural areas, it states that planning decisions should enable the sustainable growth and expansion of all types of business; and the development and diversification of agricultural and other land-based rural businesses (para. 83).
- 6.2.3 The application states that the proposal would result in additional labour requirements relating to poultry catchers, shed cleaners and manure removal contractors, and that this would amount to the equivalent of approximately four additional full-time workers. Other employment would include feed delivery drivers, poultry collection drivers,

poultry processors, construction workers, cleaning teams, manure removal teams, maintenance plumbers, maintenance electricians, ground workers, landscape contractors etc. The proposed development constitutes a diversification of the existing agricultural business which is an arable farm, and would result in economic benefits in terms of construction activity, employment of labour both during construction and the ongoing operation of the poultry business; and the related investment in buildings and infrastructure. The proposal can be supported in principle in relation to policies relating to rural economic development and agriculture. However planning policies also recognise that poultry units can have significant impacts and these matters are assessed below.

6.3 Siting, scale and design; impact on landscape character

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings.

6.3.2 Site design and context: A Landscape and Visual Impact Assessment (LVIA) has been undertaken in support of the Environmental Statement by a chartered landscape architect. An Addendum to this has been submitted which includes an assessment of cumulative impacts.

6.3.3 The site occupies a low lying part of a larger gently undulating arable field, with the difference in levels across the site of approximately 4 metres. There are no public rights of way directly affecting the site, although there are footpaths and bridleways in the surrounding area with potential views of the site. The LVIA sets out the visual receptors. It assesses the landscape of the area and concludes that none of the local countryside should be treated as having high landscape value. Notwithstanding their significant size in area terms, the buildings would be relatively low structures, and would be partially cut into the existing ground. They would be finished in a dark colour which would help to minimise their visual impact. There would be some hedgerow removal required to accommodate the site access, visibility splays and track, of approximately 130 metres. Significant landscape mitigation is proposed, as detailed below.

6.3.4 Landscaping mitigation: Landscaping works would include maintaining the existing hedgerows through appropriate management, the planting of new hedgerow and woodland, and the provision of rough grassland. It is proposed that landscaping would be completed during the first planting season following occupation of the proposed

buildings.

6.3.5 Landscape mitigation and enhancement would include:

- A 1.6m high partial bund/cut to reduce the visual impact of the proposed structures. The ground modelling is proposed to have a gentle outer face married into the existing undulating topography so that it can be farmed as part of the adjacent arable field, which would reduce the visual impact of the mitigation measures themselves and reduce direct landscape effects;
- New native hedgerows along the northern and western boundaries to delineate the site from the adjacent fields which, once established, will be managed at a height of 3m+ to provide partial screening to the development. Native hedgerow trees (Oak and Field Maple) will be planted in these hedgerows to enhance the softening effect;
- Further hedgerows would be planted behind the visibility splays at the site entrance;
- Existing hedgerows along the southern and eastern boundaries and those to the north would also be managed at a height of 3m+ to improve screening;
- New native hedgerow trees would also be planted adjacent to these hedgerows;
- Additional native woodland planting would be carried out to the east in the area between the development and the site boundary;
- The internal open areas within the site would be seeded with a wildflower seed mix and managed as rough grassland to enhance habitat diversity;
- Further off-site tree planting would be carried out around the existing wetland area to the north.

6.3.6 The proposed landscaping would result in an increase of approximately 830 metres of new hedgerow planting and 48 new trees, together with 3400m² of new native woodland planting to the east of the buildings. Taking into account the sensitivity of landscape receptors and the magnitude of effects, the LVIA considers that the proposal would not result in significant adverse landscape effects.

6.3.7 The LVIA also assesses the effects on visual receptors, such as the public highways, public rights of way, and private dwellings which are located to the north, west, south-west and south-east. It states that existing trees and hedgerows would help to soften the appearance of the development, and hedgerow management along with additional tree and hedgerow planting would provide mitigation. Tree planting around the wetland area to the north of the site would help to mitigate the effects on residential properties to the north. In their objection, Great Ness and Little Ness Parish Council refer to concerns that the site would be viewable from The Cliffe and Nesscliffe Hills. The LVIA notes that there would be minor distant glimpse views through the tree canopy from Nesscliffe Hill (a country park), which lies approximately 1.2km to the north. It considers that the development would have a negligible adverse visual effect on receptors using Nesscliffe Hill. The Cliffe, a hill to the north which rises to 157 metres, is approximately 2.7km away and officers do not consider that the proposed development would be a significant element in any views from this area. In relation to all visual receptors, the LVIA considers that the proposed development would have adverse impacts ranging from negligible to moderate adverse. Landscape proposals

have been designed to mitigate adverse impacts, and visual effects would reduce as planting establishes. The LVIA concludes that the significance of visual effects would be 'not significant', and that no significant adverse visual effects have been identified.

6.3.8 Cumulative effects: The addendum to the LVIA proposes that the only other poultry development with the potential to give rise to cumulative effects is the existing poultry farm at Felton Butler which lies approximately 370 metres to the south-east. It proposes that this development should be treated as part of the baseline rather than as a contributor to cumulative effects. The assessment concludes that, whilst the scale of visual effect has increased in some receptor locations as a result of the cumulative effects, these changes do not raise any issues of more than local level importance. As a result, the significance ratings of the LVIA remain unchanged.

6.3.9 The Council's landscape consultants have reviewed the LVIA and consider that its findings are reliable and provide a comprehensive assessment of the landscape and visual effects of the proposed development. They consider that the mitigation proposals are appropriately designed and specified. They are of the view that the methodology set out in the LVIA is robust and has been consistently applied. The comments of the Council's landscape consultants are acknowledged. Given that there would be adverse impacts associated with the development these will be considered in the planning balance and conclusion below.

6.4 **Historic environment considerations**

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

6.4.2 A Heritage Impact Assessment has been submitted as part of the Environmental Statement. It has assessment impacts on statutory and non-designated heritage assets in the area. It considers that there would be no impact on the setting of any of the listed buildings within a 1.2km radius of the proposed development. The scheduled monument of Nesscliffe Hill Camp on Nesscliffe Hill lies approximately 1.8km to the north of the site and is therefore outside of the area covered by the HIA. Nevertheless officers consider that, as the monument is situated on the northern side of the hill, and given the thick tree cover and the distance between it and the site, the proposal would not adversely affect the setting of this designated heritage asset. The findings are supported by the Council's Conservation Officer. In line with the recommendation of the Council's Archaeology Officer, should planning permission be granted, a condition can be added to require that access is afforded to officers during construction works to monitor ground works and to record any archaeological evidence. In addition a condition could be included to require details of the external appearance of the

buildings to be agreed.

6.5 **Traffic and access considerations**

6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.5.2 The application proposes that HGVs would get to and from the site via the A5(T) to the south east, via the Felton Butler roundabout. It states that HGVs would be prevented from approaching from and leaving to the north by access design.

6.5.3 When the planning application was originally submitted it proposed that manure arising from the operation would be dealt with by a combination of spreading onto farmland and being exported off site to anaerobic digester (AD) plants and other local farms. It is understood that the submitted Traffic Assessment (TA) was undertaken on that basis. The TA states that manure removal would take place on day 44 of the crop cycle and involve 30 tractor and trailer movements. Subsequently a revised manure management plan was submitted and this states that all manure would be exported to an AD plant at Wykey by tractor and trailer and, if this is not possible, then it would be exported by Gamber Logistics Limited. The Traffic Assessment has not been updated to reflect this change to the proposed arrangements for manure management as part of its export to Wykey which is approximately 8 miles from the site, or as part of its export by Gamber Logistics Limited. The original and the revised Design and Access Statement states that manure removal would take place in a short period between bird removal and chick placement, and that the direction of the movements would vary. Insufficient information has been submitted to identify the number and frequency of traffic movements associated with the manure export now that the proposed arrangement for this has changed, and the routes that would be taken. In addition the Council's highways team have advised that passing places would be required along the local lane given the restricted width of this. They have advised that further highways information is required to inform the specific details of these. It is therefore not considered that insufficient information has been submitted to enable the full highways impacts of the proposal to be assessed.

6.6 **Ecological consideration**

6.6.1 Core Strategy policies CS6 and CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should 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. It states that in all cases, a hierarchy of mitigation then compensation measures will be sought.

- 6.6.2 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the nature and local environment by protecting and enhancing sites of biodiversity. Paragraph 180 states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Paragraph 175 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 6.6.3 Assessment of direct ecological impacts: An Ecological Impact Assessment was submitted with the original application and this was updated in 2022 and is sufficiently up to date. The Council's ecologist has confirmed that the survey effort is satisfactory and has raised no concerns over the conclusions reached. Should planning permission be granted it would be necessary to impose conditions to secure mitigation and enhancement measures as recommended in the Ecological Impact Assessment. These include the use of Reasonable Avoidance Measures to avoid any impacts on Great Crested Newt, the provision of a 30 metres buffer to a badger sett; management of existing hedgerow; and the planting of additional native hedgerow and woodland.
- 6.6.4 Assessment of indirect ecological impacts: Poultry rearing operations and any spreading of the manure arising from them results in the release of ammonia emissions and these can have a significant impact on ecology over a wide area, either directly or through nitrogen deposition. There are a number of designated ecological sites within influencing distance of the site. These include two areas designated as ancient woodland and/or local wildlife sites within 2km of the site; four further ancient woodlands within 5km; three Sites of Special Scientific Interest (SSSI) within 5km; a further five SSSIs within 10km of the site, two of which are designated Ramsar sites. Concerns were raised by the Council's ecology team in relation to the application as originally submitted, on the basis that this did not provide sufficient assessment of the impact that the proposed development would have on ecological receptors due to ammonia emissions.
- 6.6.5 The application now proposes that air scrubbing equipment would be fitted to the poultry houses. An Ammonia Impact Assessment has been submitted and this estimates the emissions from the poultry buildings based upon the use of the scrubbers. It also seeks to estimate ammonia emissions from the existing manure spreading. It is proposed that this spreading would cease and that the farmholding would use non-organic mineral fertiliser instead. The assessment seeks to calculate the impacts from this. The Ammonia Impact Assessment has been revised a number of times to seek to address the continued concerns of the Council's ecologist. The current version, revision 9, proposes the following as mitigation for ammonia impacts:
- existing fertilisation of the 78 hectares of arable land at North Farm using

- organic manures and/or slurries would cease;
- any fertilisation requirement would be provided by inorganic fertilisers;
- three hectares of land which is currently arable would be planted with trees and would not be fertilised;
- approximately 2.5 hectares of land which is currently arable would be taken up by the poultry unit, and therefore would not be fertilised.

6.6.6 The Council's ecologist has raised further queries in relation to these mitigation measures. These include queries over the records of previous fertiliser inputs to the farmland that have been provided; and contradictory statements within the Ammonia Impact Assessment. The ecologist has advised that it is not clear what data has been used to inform some of the data provided within the report. In response to earlier concerns raised, the applicant submitted further information in September 2023 however this did not include an updated Ammonia Impact Assessment. On the basis of the information submitted to date, officers consider that it is not possible to determine whether or not the proposal would have significant effects on ecological assets. The proposal is therefore in conflict with Core Strategy policies CS6 and CS17; SAMDev Plan policies MD2 and MD12; and NPPF paragraphs 174, 175 and 180.

6.7 **Impact on water resources**

6.7.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water. A Flood Risk Assessment and Drainage Strategy report has been submitted as part of the Environmental Statement. The site is located within Flood Zone 1, which denotes an area of low risk of flooding. The proposed development would introduce impermeable drainage area in the form of buildings and access roads. In order to ensure that the increase in surface water runoff does not exacerbate flood risk elsewhere, the proposed development would incorporate flow control and attenuation. The drainage report identifies options which include the use of an existing pond for attenuation purposes or alternatively through the use of a below ground tank. In terms of foul water from the shed wash-down, this would be directed to a dirty water tank located beneath the proposed yard area and emptied at frequent intervals by a tanker.

6.7.2 The Council's drainage team have confirmed that these outline proposals are acceptable. Detailed matters could be dealt with by way of a planning condition to require approval of final designs, should planning permission be granted.

6.8 **Residential and local amenity considerations**

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

- 6.8.2 Relationship between planning and permitting processes: The Environment Agency has advised that they have issued an Environmental Permit (EP) for the proposed poultry operation, under the Environmental Permitting regulations. They have confirmed that this EP would need to be varied to change the air ventilation system from roof fans to a gable end scrubber system. This EP would regulate the day to day general management of the operation, including any pollution incidents, and noise and odour issues. Paragraph 188 of the NPPF states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). It adds that planning decisions should assume that these regimes will operate effectively. Nevertheless the EIA regulations require that likely effects of the development on the environment are identified and taken into consideration in the decision-making process. These effects will include matters that are also regulated by the EA.
- 6.8.3 Noise: A Noise Impact Assessment was submitted as part of the original application. This has been revised to assess the likely overall noise implications of the proposal following the introduction of the air scrubber units. The noise report assesses the impact on relevant receptors which include those dwellings in the vicinity of the site. The report concludes that there would be a significant reduction in extract fan noise emissions compared to the previous proposed scheme. It states that noise impact of the air scrubber system during the day and evening would be very low to negligible; and for the emergency roof fans it would be low to very low. In addition, during the night-time period, noise ingress via an open window would be inaudible and therefore negligible.
- 6.8.4 The Council's Regulatory Services officer has reviewed the submitted assessment. The officer has noted that the noise from the operation of the scrubbers and the emergency ventilation together has not been modelled but nevertheless has raised no concerns regarding the likely noise impact. A previous report recommended the use of an electric forklift to reduce noise impacts during the night time during bird catching operations. A planning condition could be imposed to this effect should planning permission be granted. The Regulatory Services officer considers that overall the proposal is likely to have a low impact in terms of noise.
- 6.8.5 Odour: Decomposing waste products such as manure, dust and bedding causes odours in poultry units. This can be affected by ventilation rates and temperature in the buildings. An Odour Impact Assessment was submitted as part of the original application and a number of revisions to this have been submitted based upon comments raised through the planning process and also the proposed introduction of the air scrubber units.
- 6.8.6 In relation to the clearing out of the poultry buildings the odour report states that this would occur once at the completion of each flock cycle (every 42 days) and that the time taken to complete the task would normally be less than four hours per house. It states that any elevated odour emissions during that process would be transitory and

relatively infrequent. It notes that no manure would be stored on site. The odour consultant states that little factual information exists on the magnitude of odour emission rates during clearing out, and because of the short term duration of these activities it is not feasible to model them and relate the results to accepted odour impact standards. The report states that the emissions would be transitory and infrequent in nature, and therefore the output of modelling could not be assessed against conventional 98th percentile impact benchmarks and guidance. For these reasons, it concludes that it is not feasible to model odour emissions during the cleaning out of poultry houses. The author considers that that approach is supported by planning appeals, in particular the Mapleton Farm appeal (at Horsington in Lincolnshire), where the Planning Inspector considered that modelling emissions during cleaning out was not appropriate. The report goes on to say that the authors have seen no guidance or scientific evidence that suggests that the planning and assessment criteria have changed since this planning appeal decision.

- 6.8.7 The report was produced in 2020 and since then an appeal decision has been received in relation to a proposal for four poultry buildings elsewhere in the county where the proposal was dismissed on grounds of odour and ammonia impacts (APP/L3245/W/21/3289216). In this decision the inspector acknowledged that odour dispersal modelling is not an exact science and is based upon a number of variables. In relation to the submitted odour assessment the inspector was not satisfied that this properly considered the odour effects of the proposed development. The inspector was concerned that the assessment failed to consider peak odour concentrations at the end of the growing cycle and during the clearing out of the poultry buildings. Also of concern was that there was limited explanation provided for the input data selected and the methodology adopted. These factors combined with the absence of empirical evidence to support the assessment and conclusions led the inspector to determine that the odour assessment for that proposal did not adequately model the impact resulting from the proposed development; and that in his judgement the conclusions reached in the assessment could not be relied upon.
- 6.8.8 The odour assessment in relation to the current application was undertaken by a different consultant to that in the appeal referred to above. The Council's Regulatory Services team have been re-consulted following the appeal decision. At the time of writing this report no further comments had been received, and any comments that are made in advance of the committee meeting will be reported to Members. The odour report puts forward recommended mitigation measures to ensure that odour arising from the clearing out process is minimised. Notwithstanding the responsibilities of the Environment Agency in relation to odour management matters, it is considered that a condition could be imposed on any planning permission granted to require that these mitigation recommendations are adhered to.
- 6.8.9 The Odour Impact Assessment (OIA) considers that the air scrubbers would reduce odour emissions by 30%. The OIA has modelled cumulative odour emissions which include those from an existing poultry unit to the south. The modelling predicts that the five-year mean annual 98th percentile hourly mean odour concentrations are below the suggested benchmark range of 3.0 to 5.0 oue/m³ at all occupied receptors. In addition,

it predicts that odour exposures would also be below the more rigorous 1.5 ouE/m³ benchmark at all occupied receptors. It states that odour impacts at public rights of way, which are less sensitive receptors, would also be below the benchmark range of 3.0 to 5.0 ouE/m³ apart from at one footpath receptor location, where the predicted impact would be 3.12 ouE/m³. It concludes that it is predicted that there would be 'negligible' impacts at all receptor locations when taking account of sensitivity.

- 6.8.10 In terms of cumulative impacts, the OIA reports that odour emissions in the area would be dominated by those from the existing, large poultry unit to the south-east., and that the proposed development would only contribute a small proportion of the combined odour impact at most receptors. It states that with the inclusion of acid scrubber abatement and with roof-mounted "boost" fans for hot weather ventilation, the cumulative odour impacts of the proposed North Farm poultry unit in combination with the existing unit at Felton Butler are reduced to below the 3.0 ouE/m³ benchmark at those locations where there is any potential for cumulative impacts. At other sites where there is exceedance of the 3.0 or 5.0 ouE/m³ benchmarks as a result of emissions from the existing unit in Felton Butler, the odour impact contribution of the proposed development would be insignificant. The OIA therefore concludes that the proposed poultry unit would have no material significant impact on local residential amenity with respect to odour both in isolation and in combination with the existing, larger poultry unit at Felton Butler.
- 6.8.11 The Council's Regulatory Services Officer acknowledges that the scrubbing technology would significantly reduce odour. The officer considers that any increase of odour around the 1 odour unit level would not be expected to be readily perceived, and that the OIA suggests that there would be a low to negligible impact from the proposal. In relation to the potential for elevated levels of odour during clearing out operations officers consider that notwithstanding the inherent difficulties in assessing the impact of this part of the process, this would occur infrequently and for a short duration during each cycle. It is not considered that the impacts of this in the local area would be at a level that would warrant refusal of the proposal on odour grounds.
- 6.8.12 Manure management: The spreading of poultry manure on farmland raises implications in terms of potential amenity and environmental impacts. Following concerns raised by officers on this the applicant has submitted a Manure Management Plan (MMP). This states that the applicant currently buys in fertiliser to spread on the land together with some poultry manure. It states that it is proposed that all manure produced from the proposed broiler units would be exported to an Anaerobic Digester plant at Wykey. The MMP includes a letter from the operator of this plant confirming that they are willing to remove and store the manure as soon as the birds are taken from the sheds, and that the manure would be used as feedstock for the anaerobic digester, which utilises this to generate heat and electricity. The MMP states that in the event that AD facility is not available the manure would be exported by Gamber Logistics Ltd. It is not clear what would then happen to the manure once it has been exported by this company. It is understood that Gamber Logistics Ltd. is a company that specialises in cleaning services; litter trading; and potato supply chain management and trading.

6.8.13 It is considered that the export of the manure arising from the proposed operation and its use in an anaerobic digester would be acceptable in principle in preference to it being spread directly onto farmland. The application proposes that the manure would be exported to a specific AD plant. However it is not considered that the application proposes an acceptable contingency arrangement for the management of poultry litter should the specified anaerobic digester option not be available. There is no mechanism put forward for ensuring that, in the event of an alternative option being required, such as may be necessary if the Wykey AD operator no longer wishes to accept the waste, all manure produced would be satisfactorily managed and that its use would not raise potentially significant impacts. The application is therefore deficient in relation to this and it is not possible to conclude that the use of the manure would not give rise to adverse environmental impacts on local amenity and in relation to pollution. The proposal is therefore in conflict with Core Strategy policies CS6 and CS18.

7.0 PLANNING BALANCE AND CONCLUSION

7.1 The proposal for a new poultry rearing operation at North Farm, Felton Butler would constitute a diversification of the existing agricultural business and would result in economic benefits in terms of construction activity, employment of labour both during construction and the ongoing operation of the poultry business; and the related investment in buildings and infrastructure. It is considered that the assessments submitted in relation to noise and odour impacts have satisfactorily demonstrated that the operation can be undertaken at this site without adversely affecting local amenity to an unacceptable degree, either in isolation or cumulatively with other activities in the area.

7.2 However the submitted information does not provide a satisfactory level of assessment in relation to potential ecological impacts from ammonia emissions. It is therefore not possible to determine whether or not the proposal would have significant effects on ecological assets, which include ancient woodland and SSSIs. In addition, the proposals put forward for the management of manure arising from the operation are insufficient and do not demonstrate to a satisfactory degree that this indirect effect of the development would not give rise to adverse environmental impacts on local amenity and in relation to pollution. Additionally, insufficient information has been submitted as part of the Environmental Statement to enable an assessment of the likely highways impacts of the proposal, particularly in relation to the proposed export of manure from the site. Notwithstanding the landscape mitigation proposals put forward, the proposed development would result in adverse levels of impact on the local landscape character and on visual effects. Whilst the mitigation would help to reduce these in time, it is not considered that the proposal would provide sufficient benefits to outweigh these impacts. The proposed development is therefore contrary to Core Strategy policies CS6, CS17 and CS18; SAMDev Plan policies MD2, MD7b and MD12; and NPPF paragraphs 174, 175 and 180.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS13 - Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

RELEVANT PLANNING HISTORY: _

None.

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OYAFPITDHDA00>

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) - Councillor Chris Schofield
Local Member
Cllr Ed Potter
Appendices

APPENDIX 1 - None



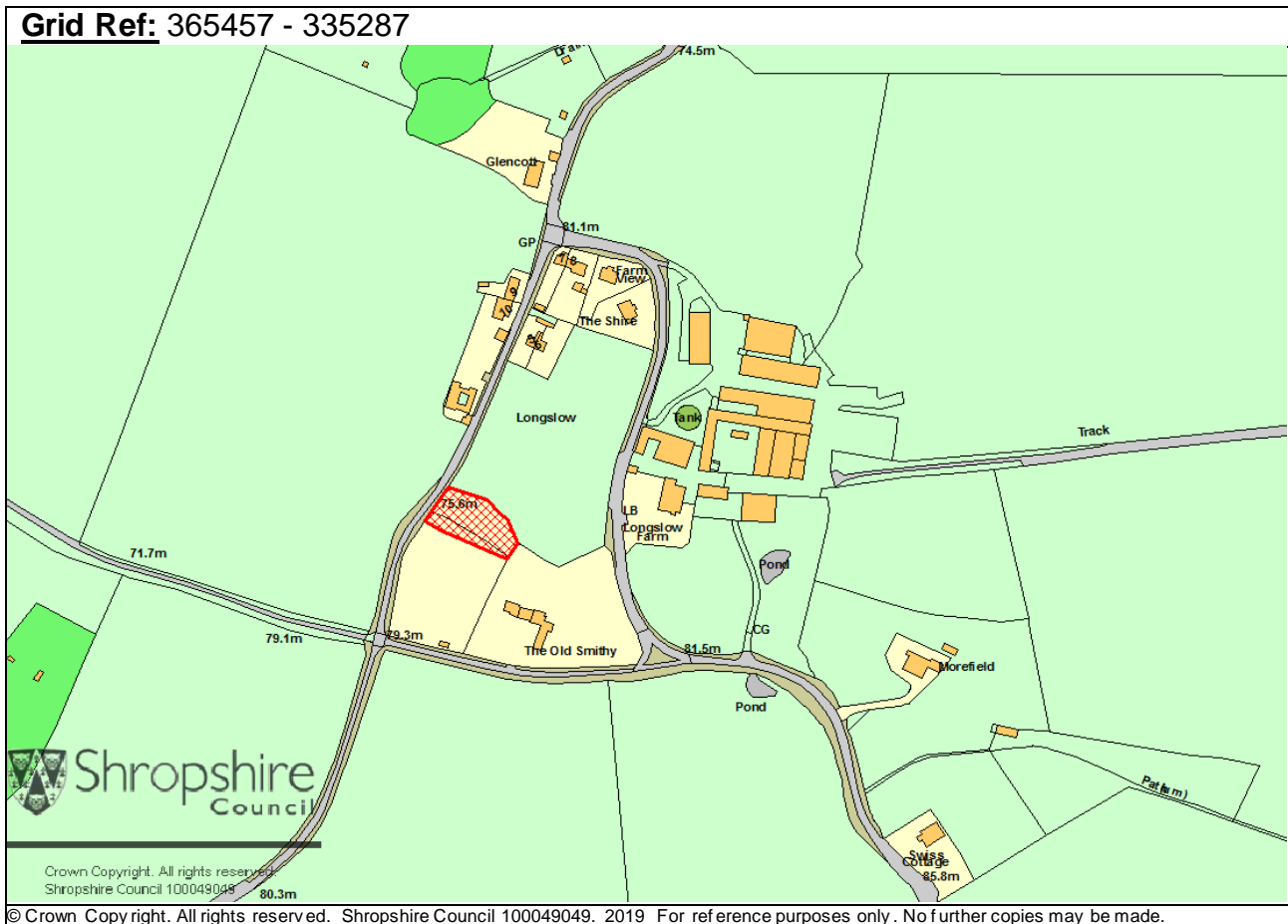
Committee and date
North Planning
7 th November 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/03515/OUT	Parish:	Morton Say Parish Council
Proposal: Outline application for the erection of a single two-storey dwelling to include access.		
Site Address: Land North West of The Old Smithy, Longslow, Market Drayton, Shropshire, TF9 3QY.		
Applicant: Shropshire Council		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of a residential dwelling on a plot of land within the settlement of Longslow. Access is included for approval at this outline stage which includes the provision of a new vehicular access to serve the dwelling. Matters of layout, scale, appearance and landscaping are all reserved for later approval. To assist the consideration of the application an indicative site layout plan has been provided. The indicative dwelling layout plan is for information and illustrative purposes only (other than access provision). The application indicates that foul drainage will be dealt with via a package treatment plant, whilst surface water would be disposed of via soakaways.
- 1.2 This application has been accompanied by a number of detailed supporting statements including a Design & Access Statement; Heritage Impact Statement; Arboricultural Report; Preliminary Ecological Appraisal; Great Crested Newt Survey; Environment Agency Flood Report; Drainage Data (including Surface Water Storage Requirements and Greenfield Runoff Rates); and Surface Water Drainage Proforma Statement.
- 1.3 This application has been subject to a formal pre-application enquiry which indicated that Longslow was identified as part of a Community Cluster along with Bletchley, Longford and Moreton Say (application reference PREAPP/22/00519). The decision indicated that the Site Allocations and Management Development (SAMDev) Plan allows for 20 new dwellings across the cluster on suitable sites where they are considered infilling, conversions or small groups of houses. It was confirmed that in principle there would be no objection to a residential development on this site.

Amendments

- 1.4 An amended site layout plan has been received during the consideration of the application which demonstrates the proposed visibility splays and radii for the access and indicates the provision of a dwelling 10 metres wide by 8 metres deep with a single storey element to the rear. The layout plan indicates the retention of the existing pond on site and removes an indicative triple garage. Three car parking spaces and a driveway are proposed with a new native hedgerow along the new south field boundary and behind the proposed visibility splays. The existing mature trees along the northern boundary will be retained.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located on the southern side of the small hamlet of Longslow. Within the SAMDev Plan Longslow is identified as part of a Community Cluster. The site extends to approximately 0.14 hectares and is part of an enclosed area of land adjacent to a group of trees. The site has road frontage and is bounded by a rural Class III road to the west. The Class III road is subject to the national speed limit. Otherwise the site is bounded to the north by mature trees, the residential garden associated to The Old Smithy to the east, and a paddock to the south.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Area Planning Manager in consultation with the committee chairman and the Local Member agrees that the Parish Council has raised material planning issues (in particular in relation to the setting of a listed building), and thus the application should be determined by committee

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - No objection is raised subject to safeguarding conditions regarding parking and turning, visibility splays, access layout and set back of gate, and access apron construction in accordance with Council specification.

4.1.2 **Shropshire Council, Trees** - There are 7 trees proposed to be removed to facilitate this development including 3 category 'B' trees, one at the access and 2 internal. None of the trees are protected or exceptional specimens in the landscape and form a garden group in a rural location. There is a screening effect from the adjacent development site. The Old Oak Tree Care Report and Arboricultural Impact Assessment indicates that the removal of the trees can be mitigated with new planting. Nine new native trees are proposed including Oak, Scots Pine and small leaved Lime.

4.1.3 **Shropshire Council, Housing** - 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.

4.1.4 **Shropshire Council, Ecology** - No objection is raised subject to safeguarding conditions regarding the provision of a District Level Licence for Great Crested Newts, landscaping, provision of bat and bird boxes, and provision of external lighting to be agreed.

4.1.5 **Shropshire Council, Drainage** - No objection is raised subject to a condition regarding full details of the surface water drainage and package treatment plant for foul water drainage being approved and implemented prior to occupation.

4.1.6 **Shropshire Council, Conservation** - Having reviewed the additional and amended information, re-examined the previously submitted information, Officers make the following further comments:

- There is still no surety with regard to the palette of materials, design, scale or massing or indeed siting of the proposed dwelling on this site, as it is still in outline with all matters other than access reserved.
- Indicative site plan has been submitted which shows a revised siting of the proposed dwelling, has removed the proposed large garage building but has indicated a shed on the site, with no reference to its purpose or justification.

As an indicative site plan no weight can be given to it or any of the information contained therein, although it seems to have responded the previous Historic Environment Team comments made.

- Several other documents have been submitted which seek to indicate Design Palette and Materials Palette. Both documents show many different types and forms of design and materials but as per comments made above, this is all indicative and no weight can be given to them or the information contained therein.

Therefore, overall there is no surety as to the level of harm that may be caused to the significance of the Designated Heritage Asset (The Old Smithy a grade II listed dwelling) as a result of the proposed development, all the information is indicative bar the access arrangements. In this instance Officers cannot make an informed assessment due to the lack of categoric details and information to enable such an assessment to be made and therefore there is no sound basis upon which harm can be weighed against public benefits of the scheme.

4.1.7 **Shropshire Council, Archaeology** - The proposed development site is located within the historic core of the hamlet of Longslow, which is understood to have been present by Domesday and therefore to have early medieval origins. The site is also located immediately south of a group of archaeological earthworks (HER PRN 36027), which are interpreted as a possible holloway and building platforms of potential medieval date, which were identified through survey work in 2020. As a consequence, the proposed development site is considered to have moderate to high archaeological potential. In view of the above, and relation to Policy MD13 of the Local Plan and Paragraph 205 of the National Planning Policy Framework, it is advised a phased programme of archaeological work is made a condition of any planning permission for the proposed development.

4.1.8 **Morton Say Parish Council** - The Parish Council objects to this planning application as it has serious concerns regarding both the access and flooding. This is a very narrow lane and with bad visibility and the Council is therefore concerned about the access. This land also has bad drainage with a drain under the road regularly flooding and in bad weather there is continuous floods. The Parish Council would also like to make the point that this planning application is within the curtilage of a listed building.

4.2 **Public Comments**

4.2.1 No public representations have been received.

5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Impact on Listed Building
- Highways
- Impact on Trees
- Ecology
- Drainage

- Flooding

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

- 6.1.1 Longslow is a small rural settlement characterised by a modest number of interspersed dwellings and farm buildings located off a looping road forming part of an undulating rural landscape. Plot sizes and gaps between buildings vary and there is no dominant dwelling type or vernacular.
- 6.1.2 Policy CS4 of the Shropshire Core Strategy states that in the rural area, communities will become more sustainable by allowing development in Community Hubs and Community Clusters that helps rebalance rural communities by providing, amongst other things, housing for local needs. Policy S11.2(ix) of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) identifies the settlements of Bletchley, Longford, Longslow and Morton Say as a Community Cluster providing limited future housing growth of approximately 20 dwellings over the period to 2026. Within the villages of Bletchley, Longford and Longslow it is stated that limited infilling, conversions and small groups of houses may be acceptable.
- 6.1.3 No settlement boundary is provided for Longslow village as defined in the SAMDev Plan and it is for the decision maker to determine whether the site should be regarded as being within or outside of the settlement. The question of where the boundary might reasonably be considered to be is best assessed on the basis of the location of the existing dwellings and their relationship with each other.
- 6.1.4 When travelling from the north towards Longslow there is a general absence of built development. As you approach the settlement, farm buildings and dwellings come into view giving you the clear sense that you are entering Longslow. When travelling along Longslow Road from Market Drayton you pass two detached dwellings, an entrance to a certified campsite, and views of Longslow Farm. Soon after you meet the junction of the looping road in Longslow and views of The Old Smithy. When travelling along Longford Road from the south, built development appears far more disparate until you enter the looping road in Longslow. At the proposed access for the site views of 5 & 6 Longslow, new dwellings recently built, and Longslow Farm are seen. Glimpses of The Old Smithy are seen through the hedgerow as you approach.
- 6.1.5 The proposed site falls within an enclosed parcel of land adjacent to the residential curtilage of The Old Smithy and within the looping road of Longslow, whilst the mature trees along the northern boundary provide a sense of enclosure. Officers acknowledge that there is an agricultural field to the north and a paddock to the south and that there is no other roadside dwellings adjoining the site. However, Longslow is not considered a close knit settlement and there are areas of open land between buildings within the settlement. The looping road provides a clear containment of the settlement and officers considered that the proposed site logically and reasonably is considered to fall within the established limits of the settlement.

- 6.1.6 The Five Year Housing Land Supply Statement (2022) indicates that at the 31st March 2022 the Community Cluster of Bletchley, Longford, Longslow and Moreton Say had 7 dwellings completed and 32 sites with planning permission. This would be a significant increase over and above the guide of 20 dwellings in the Cluster, although this is not a maximum figure. However, the inspector in an appeal in 2019 for a single dwelling on land on the former Slaughterhouse in Longslow indicated that there was a total of 36 dwellings having been granted planning permission across the cluster (appeal reference APP/L3245/W/18/3211029). The inspector indicated that the appeal site was within the settlement of Longslow and that there was no substantive evidence regarding the likelihood of delivery of all the outstanding permissions and that they would all be implemented. Furthermore, the inspector indicated that the proposed scheme would only result in one additional dwelling which would not be a significant increase above the total granted planning permissions across the cluster.
- 6.1.7 Policy MD3 'Delivery of Housing Development' refers to settlement housing guideline and where development would result in the number of completions plus outstanding permissions providing more dwellings than the guide decisions will have to have regard to the increase relative to the guide; likelihood of delivery of outstanding permissions; benefits of the development; cumulative impact on the settlement; and presumption in favour of sustainable development.
- 6.1.8 Longslow settlement consists of 21 dwellings and has received planning permission for 7 dwellings since the start of the plan period, although 3 have not yet commenced. The above appeal decision is a material planning consideration in which the inspector considered that one additional dwelling would not be a significant increase across the cluster as a whole. The guideline is not a maximum and officers considered that the increase in one additional dwelling will have a negligible effect. Longslow is to be promoted as a community cluster under the emerging local plan which will allow for further housing growth in the settlement. The proposed dwelling will provide public benefits by increasing the supply of housing in this rural settlement which will help to support local services and facilities. The housing supply in Longslow has been gradual since the SAMDev Plan was adopted in 2015 and has allowed new housing to integrate into the settlement. Longslow is a sustainable settlement as defined by the NPPF and therefore a dwelling on this site would provide sustainable development.
- 6.1.9 Officers considered that the application site is within the settlement of Longslow and would therefore be an appropriate location for the proposed development and would comply with Policy CS4 of the Core Strategy, Policy MD3 and Policy S11.2(ix) of the SAMDev Plan.

6.2 **Design, Scale and Character**

- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.

- 6.2.2 The proposed site is 0.14 hectares and the indicative layout plan indicates the provision of a 2-storey dwelling which will be 10 metres wide by 8 metres deep with a single storey element to the rear. The dwelling will be set back 13 metres from the roadside which would enable the provision of a large driveway and parking area to the front. A large rear garden would be provided which would back onto the rear garden of The Old Smithy. A new boundary hedgerow is proposed along the southern boundary and road frontage, together with new replacement tree planting which will visually enhance this site.
- 6.2.3 A Material Palette has been submitted with the application indicating materials which would complement the appearance of dwellings in Longslow. These include the use of traditional red brick, render, natural slates, timber casement windows, stone cills, open Oak framed porch canopies and Oak doors. The use of these materials would in principle be acceptable. A Design Palette has also been submitted indicating a sample of house designs which are considered to be in keeping with the local vernacular. These include a mix of dwellings with single and double gable frontages, traditional two storey dwellings with symmetrical frontages, dwellings with front half dormer windows, and 'L' shaped dwellings with dormer windows. The scale and appearance of the dwelling will need to be carefully designed to be in keeping with this rural location.
- 6.2.4 The layout, scale, appearance and landscaping of the development would be considered as part of a subsequent reserved matters application.
- 6.3 **Impact on Residential Amenity**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Although part of the proposed site would adjoin the residential curtilage of The Old Smithy the nearest part of this dwelling would be positioned over 22 metres away from the site boundary and 45 metres from the rear elevation of the indicative layout. Having regard to the distance a dwelling on this site could be positioned not to result in any impact on residential amenity.
- 6.4 **Impact on Listed Building**
- 6.4.1 Policy CS17 'Environment Networks' of the Shropshire Core Strategy indicates that development should protect the local character of the historic environment and should not have a significant adverse impact on heritage assets. This is reiterated in policy MD13 'The Historic Environment' of the SAMDev Plan which ensures that where possible that proposals avoid harm or loss of significance to designated heritage assets including settings. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.4.2 The proposed dwelling will be positioned to the north west of The Old Smithy which is a grade II listed building located in the small settlement of Longslow.

- 6.4.3 The Parish Council have commented that the proposed development falls within the curtilage of a listed building. However, the site does not form part of the residential garden associated within The Old Smithy and is classified as countryside. The indicative layout plan indicates that the dwelling would be 45 metres away and therefore officers do not consider that the proposed site falls within the curtilage of this listed building. Although a large dwelling on this plot may be visible and could have the potential to impact on the setting of this designated heritage asset. The Conservation Officer has raised comments that the application does not provide sufficient information to make a full assessment of the impact of the proposed development on the significance of the designated heritage asset as this is an outline application. Although the Conservation Officer has not raised any objection to the principle of the development.
- 6.4.4 A Heritage Impact Statement has been submitted which has indicated that the proposed scheme would lead to less than substantial harm on the heritage significance. It is indicated that the dwelling would be located adjacent to the public highway behind substantial hedging which minimises the visual impact. The site will in part be visible from the listed building, although there are two large trees a Pine tree and Norway Maple which break up views of the site. The proposed dwelling will need to blend into the overall landscape and panorama when viewed from this dwelling. It is noted that the dwelling would be positioned on ground lower than The Old Smithy by approximately 3.4 metres which will help to reduce any impact on the setting and any harm to the significance of this designated heritage asset.
- 6.4.5 Officers consider that a modest sized traditional rural cottage located on this development site is unlikely to cause any harm and will provide public benefits by increasing the supply of housing in this small rural settlement which will help to support local services and facilities.
- 6.4.6 This application is considering the principle of development and suitability of the access which the Conservation Officer has not raised any objection to. The layout, scale and appearance of the dwelling will be considered as part of a reserved matters application which will need to consider in full the impact on the significance of the designated heritage asset.

6.5 Highways

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all. Paragraph 111 of the NPPF indicates that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety. The Parish Council have raised concerns that the access lane is narrow with poor visibility and raises concerns of highway safety.
- 6.5.2 The existing country lane is single carriageway width and has a grass verge on both sides of the road with a native hedgerow. The proposed layout plan indicates that the roadside hedgerow will be completely removed along the western boundary of the site to enable the provision of a central access. The access will provide 5 metre radii with visibility splays of 43.0 metres to the north and 40.5 metres to the south. Entrance gates into the site will be set back 6 metres from the highway edge to allow vehicles to pull off the road and open the gates without preventing vehicles from passing. The indicative layout plan indicates a large driveway with car parking

provision for three vehicles with a suitable manoeuvring area to allow vehicles to leave in a forward gear. A new native hedgerow will be planted behind the visibility splays.

- 6.5.3 Having regard to the narrow width of the road and relatively low speeds of vehicles the highway's officer has raised no objection on highway safety ground to the proposed access subject to conditions regarding adequate parking and turning on site, maintaining the visibility splays, access layout and set back of entrance gate, and that the access apron is constructed in accordance with the Council specification.

6.6 **Impact on Trees**

- 6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. The application has been accompanied by a Arboricultural Report which includes a detailed Tree Constraints Plan and Tree Protection Plan. The proposed site has six Category B trees and eight Category C trees in or on the boundary of the site in addition there are two Category C hedges. Category B trees are of moderate quality or value and capable of making a significant contribution to the area, whilst Category C trees are of low quality. There are seven trees proposed to be removed to facilitate the development including three Category B trees at the proposed access point and two internal to the site. However, the Tree Officer has indicated that none of the trees are protected or exceptional specimens in the landscape and form part of a larger group of trees. The Tree Protection Plan indicates the provision of seven replacement trees which include three Scots Pine, two Rowan, one Silver Birch, and one small-leaved Lime which are located around the site boundary. These will provide visual enhancement and provide biodiversity gain in the long term. The Tree Officer has raised no objection to the proposed development subject to a condition providing tree protection during construction.

6.7 **Ecology**

- 6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors.
- 6.7.2 A detailed Preliminary Ecological Appraisal and Great Crested Newt Survey have been carried out to provide an assessment of the ecological value of the site in local context and to identify potential ecological constraints relating to the development and recommend measures to avoid, reduce or manage negative effects and provide a new ecology gain.
- 6.7.3 The proposed site has an existing pond towards the northern boundary and had a Habitat Suitability Index of 'Below Average' to support Great Crested Newts, but presence was confirmed with a positive eDNA. A Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (Enquiry no. DLL-ENQ-SHRP-00051) has been submitted which confirms that the project is

eligible to enter the District Level Licensing scheme and that the developer intends to do so. With the submission of the IACPC, and provided that works are carried out under the District Level Licensing scheme, the Council Ecology Officer is satisfied that the impacts of the development on Great Crested Newts are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations.

- 6.7.4 The majority of the trees on the site have negligible value for roosting bats due to the lack of potential roost features
- 6.7.5 The Council Ecologist has reviewed the application and raises no objection.
- 6.7.6 This application will be subject to a European Protected Species Mitigation Licence and therefore the Council Ecology Team have completed a European Protected Species 3 Tests Matrix as indicated in Appendix 2 of this report. Safeguarding conditions are also proposed requesting the District Level Licence with respect to Great Crested newts is obtained from Natural England prior to commencement of work commencing on site; landscaping plan; Habitat Management Plan; bat and birds boxes for ecology enhancement; and external lighting to protect bats.

6.8 **Drainage**

- 6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul drainage will be dealt with via a package treatment plant and no objection has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations. The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommend that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

6.9 **Flooding**

- 6.9.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance. The Parish Council have raised concern regarding localised flooding and the impact that this would have on the development site.
- 6.9.2 The proposed application has been accompanied by an Environment Agency Flood Report which confirms that the proposed site is located in Flood Zone 1 which is an area with a low probability of flooding. The existing site has a pond towards the northern boundary which has a water level of approximately 75.7 AOD with water filtrating through the ground to this low point. Officers are aware that there is a drain along the roadside frontage at a low point of 75.3 AOD. Due to the gradient of the road from the north and south any surface water would flow towards this low point

and it is likely that this drain has become blocked and silted up and unable to disperse water adequately away from the road resulting in some localised flooding.

- 6.9.3 The proposed layout of the dwelling as indicated on the indicative layout plan would position the dwelling at a height of approximately 76.7 AOD which would be 1 metre above the pond and 1.4 metres above the drain. Therefore, due to the height difference it is unlikely that the dwelling would be affected by surface water flooding. However, in any event the agent has indicated that the finished floor level will be set above any known flood level or at least 300mm above the ground level due to surface water flooding.

7.0 CONCLUSION

- 7.1 The proposal is considered to satisfy 'in principle' the main determining criteria of relevant development plan policies and the NPPF in relation to new housing development.
- 7.2 It is considered that the proposed development will provide satisfactory access arrangements. The internal parking and turning arrangements can be addressed at reserved matters stage as layout is a reserved matter.
- 7.3 Furthermore, it is considered that the proposed development is capable of being provided with satisfactory drainage arrangements, secured by a pre-commencement condition, and of being developed without causing any significant negative impact upon the natural and historic environment; without having a significant adverse impact upon local and residential amenities and without unduly harming the physical characteristics of the locality, all subject to the imposition of recommended conditional requirements at this outline stage.
- 7.4 The application is made in outline with all matters except access reserved. Issues of layout, scale, design, landscaping and residential amenity etc will therefore be considered and addressed at the reserved matters stage.
- 7.5 Overall, and with the recommended conditions in place it is considered that the outline proposal on balance meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS4, CS13, CS17 and CS18 of the Shropshire Core Strategy and SAMDev Plan policies MD3, MD12 and MD13.
- 7.6 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be

awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

- 10.1 Relevant Planning Policies

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

Central Government Guidance:

National Planning Policy Framework

Shropshire Council Core Strategy (February 2011):

CS4 : Community Hubs and Community Clusters

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD12 : Natural Environment

MD13 : Historic Environment

S11 : Market Drayton

10.2 Relevant Planning History

23/01174/OUT - Outline planning permission with highway access for single two-storey residential dwelling and detached 3-bay garage, to include removal of trees and infilling of pond. Withdrawn 27th April 2023.

PREAPP/22/00519 - Proposed dwelling, new highway access, detached oak framed double garage/carport, sewage treatment plant and planting. Acceptable in Principle 10th November 2022.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 23/03515/OUT

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Paul Wynn

Appendices

APPENDIX 1 - Conditions

APPENDIX 2 - European Protected Species: The 'Three Tests'

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
4. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
5. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Old Oak Tree care Tree Protection Plan and in accordance with BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the Local Planning Authority.
Reason: To safeguard the amenities of the local area by protecting trees.
6. The visibility splays shown on the Proposed Site Plan (drawing no. A3-02-R1) shall be set out in accordance with the splay lines shown. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwelling being occupied and thereafter be maintained at all times free from any obstruction.
Reason: To provide a measure of visibility from the new access in both directions along the highway in the interests of highway safety.
7. The access layout and access gate shall be satisfactorily completed and laid out in accordance with the Proposed Site Plan (drawing no. A3-02-R1) prior to the dwelling being occupied and thereafter retained.
Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety,

8. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied and thereafter retained.
Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.
9. The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:
- a) Planting plans, creation of wildlife habitats and features and ecological enhancements, following the recommendations in the Preliminary Ecological Appraisal (Arbtech, February 2023).
 - b) Written specifications for establishment of planting and habitat creation;
 - c) Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Implementation timetables.
- Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved.
Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

10. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a Written Scheme of Investigation. This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.
Reason: The site is known to hold archaeological interest.
11. No development shall take place (including demolition, ground works and vegetation clearance) until a District Level Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority.
Reason: To ensure the protection of great crested newts, which are European Protected Species.
12. No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the dwelling and thereafter be kept clear and maintained at all times for that purpose.
Reason: In the interest of highway safety.
13. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

14. Prior to first occupation of the dwelling, 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 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific) or sparrows (32mm hole, terrace design).
- 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 be maintained for the lifetime of the development.
- Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

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

15. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. 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.

APPENDIX 2 - European Protected Species: The 'Three Tests'

Application reference number, site name and description:

23/03515/OUT

Land North West of The Old Smithy, Longslow, Market Drayton, Shropshire

Outline application for the erection of a single two-storey dwelling to include access

Date:

11th September 2023

Officer:

Sophie Milburn
Planning Ecologist
Email: sophie.milburn@shropshire.gov.uk
Tel: (01743) 254765

Test 1:

Is the development '**in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

Yes.

The proposal will help contribute to boosting the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The occupiers of the dwelling will also support local businesses as future occupiers are likely to access and use local services and facilities helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a Community Infrastructure Levy payment which will provide financial contributions which will help to deliver new infrastructure and opportunities within the rural community as identified in the Place Plan.

Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings in a settlement without a

proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement.

Test 2:

Is there **'no satisfactory alternative?'**

No.

The Site Allocations and Management of Development Plan (SAMDev), was adopted by Shropshire Council in 2015. Policy S11.2(ix) allocated the settlements of Bletchley, Longford, Longslow and Moreton Say are a Community Cluster providing limited future housing growth of approximately 20 dwellings over the period to 2026 to provide for small scale development. This will be delivered through infilling, groups of houses and conversions on suitable sites within the development boundary for the village of Moreton Say, together with limited infilling, conversions and small groups of houses which may be acceptable on suitable sites within the villages of Bletchley, Longford and Longslow. Longslow is an allocated settlement for development and the proposed site will develop an area of enclosed land and will not result in the loss of productive farm land. The site would represent a natural infill expansion of the settlement and there are no suitable alternative sites which are considered acceptable.

Test 3:

Is the proposed activity **'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

The on-site pond had a Habitat Suitability Index score of Below Average suitability to support great crested newts, but presence was confirmed with a positive eDNA.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

A Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (Enquiry no. DLL-ENQ-SHRP-00051) has been submitted which confirms that the project is eligible to enter the District Level Licensing scheme and that the developer intends to do so.

With the submission of the IACPC, and provided that works are carried out under the District Level Licensing scheme, SC Ecology are satisfied that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations. As stated in the IACPC, "[I]n signing this Certificate Natural England has considered the matters it believes to be necessary to satisfy regulation 55 (9) (b) of the 2017 Regulations ("that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range") and has concluded that the payment by the Applicant of the Conservation Payment will suffice to allow the impacts on great crested newts of the Applicant's proposals on the Site to be adequately compensated, and therefore that these proposals will not be detrimental to the

maintenance of the population of great crested newts at a favourable conservation status in their natural range.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of great crested newts at favourable conservation status within their natural range, provided that the 'District Level Licence condition for GCNs' condition included in the response from Sophie Milburn to Sue Collins (dated 11th September 2023) is included on the decision notice and are appropriately enforced.

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Committee and Date
 Northern Planning Committee
 7th November 2023

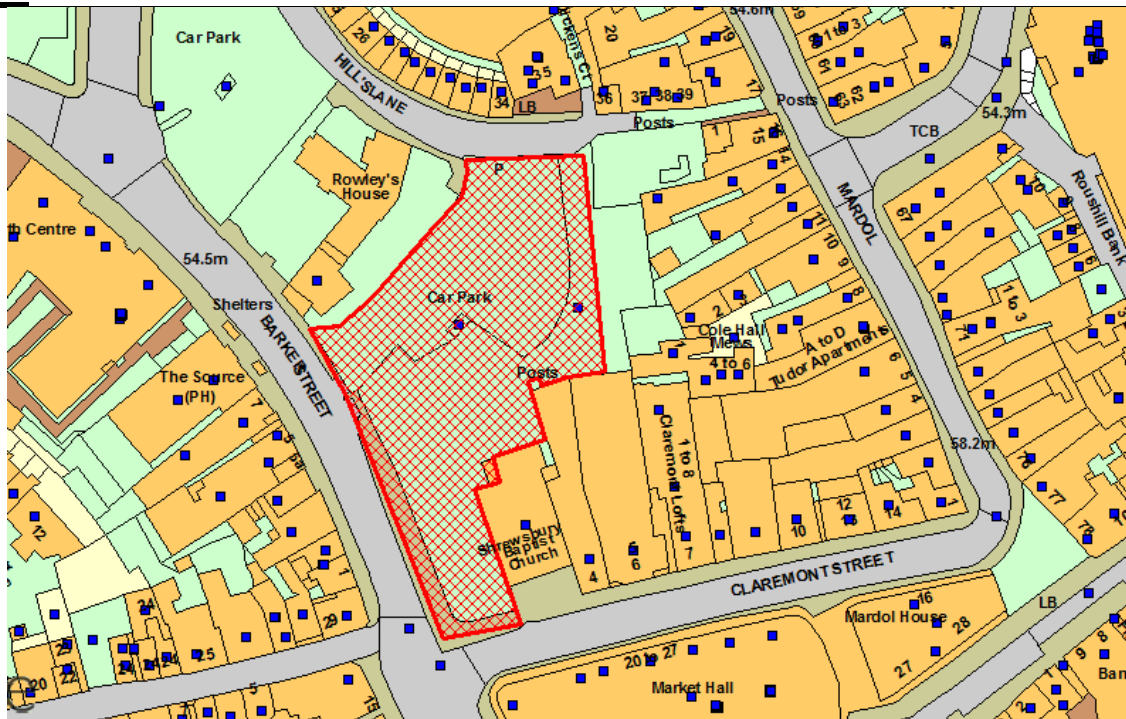
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/01422/FUL	Parish:	Shrewsbury Town Council
Proposal: Proposed mixed use development to include 83 Bed Hotel and 3 No. Retail Units with associated Car Parking and Landscaping		
Site Address: Car Park Barker Street Shrewsbury Shropshire		
Applicant: Morris and Company Limited		
Case Officer: Philip Mullineux	email: philip.mullineux@shropshire.gov.uk	

Grid Ref: 348968 - 312573



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Recommendation: Delegate approval to the Planning Service Manager subject to a Section 106 agreement in relation to landscaping and the taxi drop off and pick up point and the conditions as set out in appendix 1 attached to this report and any amendments as considered necessary to these conditions by the Planning Service Manager.

REPORT

1.0 THE PROPOSAL

1.1 Application is made in 'Full' and proposes a mixed-use development to include 83 Bed Hotel and 3 no. retail units with associated car parking and landscaping on land currently in use as a car park alongside Barker Street, Shrewsbury.

1.2 The application is accompanied by a flood risk assessment, lighting assessments, site waste management plan, transport assessment, heritage statement, tree survey, landscaping detail, design and access Statement, Planning Statement, street scene plans, site location plan, block plans and proposed elevations and floor plans. Amended plans were received during the planning application processing period and this report is on the basis of the latest amended plans and application supporting information received which were subject to a full re-consultation.

1.3 Detail in support of the application indicates that the application site is located in the West End district of Shrewsbury at the existing surface car park between Rowley's House & Mansion and Claremont Street Baptist Church. The site and car park are owned by Morris Property and managed by the Council.

The application details a four-storey building, reducing to three storeys near to Rowley's House, located adjacent to the back-of pavement on Barker Street.

The ground floor accommodates 3 retail units and the hotel entrance/administration areas, with a service/delivery yard to the rear, five (5) parking spaces and a reduction of the existing public parking provision from 93 spaces to 27 spaces. The upper floors contain 83 bedrooms and associated service accommodation, and the roof contains open-air areas to house air source heat pumps, concealed by a roof parapet.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site which is relatively flat is currently a surface car park serving 93 car spaces. It is irregular in shape and is bounded by Barker Street to the South-west and Hill's Lane to the North-east. The site adjoins Rowley's Mansion and House (Grade II* Listed Building, C16th and 1618, - northern boundary), and Shrewsbury Baptist Church (1878) on Claremont Street. The site which is located within the Shrewsbury Conservation Area is approximately 3030

square metres in area and falls 3.5 metres from the corner of Barker Street/Claremont Street to the corner of Rowley's Mansion/Hill's Lane. The site is located to the north-west of Shrewsbury Town centre in an area known as the West End, with direct pedestrian access to the wider central areas of Shrewsbury. This part of town, which is often referred to as the West End, is considered an important location in its own right within the town centre. It sits between the River Severn and Smithfield Road to the North, the Riverside and Pride Hill shopping centres to the East, Shoplatch to the South and Barker Street to the West.

Geographically, the zone is inclined to flooding, especially the streets in proximity to the River Severn, for example Smithfield Road, Victoria Quay and the lower ends of Mardol, Roushill and Bridge Street are within the 1 in 100 year flood area. The proposed site, however, is on land having a less than 1 in 1,000 annual probability of flooding.

The West End has a varied townscape with a mixture of historic urban grain and surface car parks created through urban clearances in the 20th century. There are residential, retail, food and beverage, and leisure uses and the majority of buildings are two–four storeys high with the exception of the market hall. There are a mixture of building styles reflecting the historical development of the area. These include a number of medieval timber frame buildings, Georgian and Victorian terraces, buildings from the 1960s and recently a development at the Tannery site which indicates an historical reference to the industrial uses of the past.

- 2.2 The development as proposed is not considered to fall into the remit or any of the category's or thresholds of The Town and Country Planning Environmental Impact Assessment Regulations 2017.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council has objected to the application raising material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions and the Service Manager in consultation with the Chair and Vice consider valid material reasons have been raised for Committee consideration.

4.0 Community Representations

- 4.1 **Shrewsbury Town Council** have responded to the application indicating:

The Town Council object to this application as the proposal is too vast for the location. The Town Council considered the amended plans they had received for this proposal and Members appreciated the work that had gone in to making the amendments, but they felt that the size of the building was still not justified and was still too large for the site. The proposed building would dominate the church next door.

An earlier response indicated:

The Town Council object to this application. The scale of the proposed building is still too large compared with Rowley's House and this proposal defers away from Rowley's House and ruins the sightline. Specifically, the Committee believe the proposal was one storey too high for the location. They also feel that the development still fails to be in-keeping with the character of the area and dwarfs the adjacent church.

4.2 **Consultee Comment**

4.3 **Historic England** responded on 11 October 2023 indicating:

Thank you for your letter of 27 September 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

We note the design amendments made, in particular the lighter treatment of the dormers and gables on the street elevation and the somewhat reduced visual conflict between the adjacent neo-classical chapel and the rear projections from the proposed development. We remain however, concerned as to the overall design and massing of the scheme as explored in our previous letters of May and August this year, to which we refer you.

Further breaking down the development visually into what could read as series of structures more in keeping with the grain and character of the historic townscape would we believe better sustain and reveal the character of the conservation area and the significance of nearby listed buildings in their shared setting. If, conversely, what was proposed was a single architectural composition of the ambition and quality appropriate to a footprint of this scale, in this location, then that could be considered on its architectural merits in juxtaposition with historic character and setting; this is not the case.

It will be for you authority to consider how and what more can be achieved further to paragraph 195 of the NPPF in minimising conflict between any part of the development proposals and the conservation of heritage assets such that all remaining harm has clear and convincing justification (and is shown to be necessary to the delivery of public goods) before a balance in respect of less than substantial harm is applied with great weight afforded to the conservation of the significance of designated heritage assets.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs

195, 199, 200 and 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

An earlier response of 1 August 2023 indicated:

Thank you for your letter of 12 July 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

As you are aware in our letter dated 7 May 2023, we expressed concern regarding the harmful impact of the proposals on this sensitive part of the Shrewsbury Conservation Area and surrounding heritage assets. Specifically, we highlighted the monolithic character of the proposed building and the uncomfortable relationship of a four storey structure of such considerable massing alongside the surrounding fine grain, more traditional streetscape. We also considered that architecturally the overall composition seems somewhat unbalanced rather than achieving a more cohesive whole.

From the additional information submitted, we note the comments in the letter from Berrys dated 16 June 2023 regarding the emerging, but not yet public or adopted, Design Code, their comparisons between the current scheme and the extant permission and the rationale for the most recent design amendments.

Having carefully reviewed the revised drawings the changes to the elevations are relatively minor and do not address our concerns. In our view the proposed building would continue to be an incongruous and intrusive addition to the historic streetscape.

We therefore refer you to the content of our previous letter and recommend that the applicant continues to work with your officers to achieve a scheme that sets the high standard of future development appropriate for this important

historic and much celebrated county town.

Recommendation

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

An earlier response of 7 May 2023 indicated:

Thank you for your letter of 17 April 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

Whilst we note the changes which have been made to the previous scheme (application reference: 22/04028/FUL), Historic England remains concerned regarding its harmful impact on this sensitive part of the Shrewsbury Conservation Area.

We would therefore recommend that the applicant continues to work with your design and conservation specialists, informed by your authority's emerging Design Code, to bring forward a scheme which sits more comfortably within the surrounding historic streetscape and sets the standard for future development in this historic county town.

Historic England Advice

Significance:

The application site is located within the core of the Shrewsbury Conservation Area surrounded by numerous designated and non-designated heritage assets including several listed buildings directly opposite along Barker Street.

Immediately adjacent to the north is Rowley's House and Rowley's Mansion. Built in the late 1500s by Roger Rowley a successful wool merchant, the imposing timber framed Rowley's House, and elegant brick Mansion built by his son in 1618 are listed Grade II. As such they represent just 5.8% of all listed buildings nationally.*

Whilst extensive demolition took place in the 20th century, this part of the conservation area still retains considerable architectural and historic interest preserved in the fabric of its buildings and the quality of its streetscape. Key elements of this character are founded in the fine grain of the building plots, combined with careful architectural detailing, high quality materials and the relatively consistent two and a half and three storey height.

This fine grain of historic townhouses, shops and businesses combine to provide an attractive streetscene which contributes to Shrewsbury's widely

celebrated character.

Any addition to this valued historic townscape therefore rightly requires very careful consideration.

Policy Considerations:

In view of this sensitive location there is a need to have due regard to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 concerning listed buildings, conservation areas, and their settings, and sections 12 and 16 of the National Planning Policy Framework. We would also highlight our guidance: The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3.

As you will be aware the 1990 Act specifically emphasizes the need to have special regard to the preservation of listed buildings and their settings, and the desirability of preserving or enhancing the character or appearance of a conservation area. Section 16 of the NPPF further highlights the desirability of new development making a positive contribution to local character and distinctiveness, and that local planning authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance. Paragraph 199 goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 further states that any harm to, or loss of, the significance of a designated heritage asset, including development within its setting, should require clear and convincing justification.

With specific regard to design considerations, section 12 of the NPPF emphasizes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Planning decisions should therefore ensure that development adds to the overall quality of an area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to local character and history; establishes or maintains a strong sense of place; optimizes the potential of the site and creates places that are safe, inclusive and accessible. Furthermore, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Previous comments:

We provided comments in October 2022 regarding proposals for the redevelopment of the car park as a mixed-use development comprising a hotel, three retail units with associated car parking and landscaping (application reference 22/04028/FUL). In our letter we noted that the application site offers considerable opportunities to better reveal the significance of this part of the town centre conservation area by improving its current relationship to surrounding heritage assets, as well as screening the rebuilt side elevation of the former Baptist Church which was never intended to

be exposed.

However, we also raised concerns regarding the relationship of a four storey structure of such considerable massing to the surrounding more traditional streetscape and encouraged the applicant to take inspiration from the site's immediate surroundings and context.

Current Proposals:

Having considered the current proposals we note the changes that have been made; including the introduction of a mansard style roof, and the use of 'bays', gables and a hierarchy of fenestration to break-up the elevations.

The Design and Access Statement and Heritage Impact Assessment explains the reasoning behind these changes. However, in practice the volume of the top floor and the size of the dormers is such that the buildings still reads strongly as a four storey structure. Furthermore, whilst we note the changes to the elevations, we remain concerned by the building's monolithic character juxtaposed against the fine grain of the surrounding streetscape.

Architecturally the overall composition seems unbalanced, with the two prominent gables on Barker Street competing against each other rather than achieving a cohesive whole; a situation which is further exacerbated by the somewhat anomalous double height entrance to the hotel.

We are aware of the extant planning permission for this site (reference 09/02760/FUL). Although four storeys, the approved building had the appearance of three storeys with ancillary accommodation fully integrated within the roof space. In addition, the rhythm of the bays and treatment of the elevations also better reflected that of traditional burgage plots which helped to reduce the impact of its massing, whilst the corner entrance directly addressed the prominent junction of Claremont Street and Barker Street. In so doing the scheme was a relatively successful and contextual addition to the streetscene. Any new scheme should endeavor to surpass these previous proposals, which as yet the current proposals do not.

We strongly feel that far more could be done to strive for an improved design which enhances or better reveals the significance, character and appearance of the conservation area - as national policy requires, and Shrewsbury justly warrants.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Clearly it is your authority's decision as to whether such a quantum of development is necessary to achieve a viable scheme in this town centre location. However, we would urge you to continue discussions with the applicant to bring forward proposals that sit more comfortably within the surrounding historic streetscape. We would also recommend that consideration is given to the local authority's own emerging Design Code to

help inform those proposals and set the high standard of future development appropriate for this historic county town.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us

4.4 **Severn Trent** have responded to the application indicating:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and*
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.*

NOTE: we would not permit a surface water discharge into the public combined sewer, and recommend the applicant seeks alternative arrangements - please note, we would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

It may be beneficial for the Developer/Applicant to make contact with STW and look to submit a Development Enquiry for this development site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. It is best to visit our website: <https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiry/> and follow the application form guidance to begin this process.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

4.5 **Shropshire Fire and Rescue Service** have responded to the application indicating:

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 2010, FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications

Water Supplies for Firefighting – 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.

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: <https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>

4.6 **SC Drainage** have responded indicating:

- 1. The FRA and outline drainage strategy is generally acceptable.*
- 2. To ensure a viable drainage strategy is available for the development, it must be demonstrated that Severn Trent will accept the proposed foul and surface water systems to their existing networks.*
- 3. Full network and simulation calculations for the surface water drainage for critical storms up to the 1% AEP plus 40% CC must be submitted for approval.*
- 4. Although a maintenance schedule has been provided, confirmation of who will be responsible for the on-going maintenance must be submitted for approval.*
- 5. In order to develop the surface and foul water designs to satisfy the LLFA's requirements, reference should be made to Shropshire Council's SuDS Handbook which can be found on the website at <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>*

The Appendix A1 - Surface Water Drainage Proforma for Major Developments must also be completed and submitted with the application.

4.7 **SC Trees** have responded to the application indicating:

I refer to my previous Tree comments of 09/05/2022 (extracts below) and the following issues which have NOT been addressed with the latest plans:

1) Tree Survey relating to Shropshire Council trees outside Rowley House
Whilst overall I agree that a good case can be made for removing these trees, my own view is that the exception is Tree T6 a good specimen "A" category tree which could be retained within the proposed planting bed due to its established high amenity to Hill Street.

2) Proposed new landscaping comments

GA - Landscape Plan with Potential Offsite Streetscape Development 2
Drawing Number Status Morris PLC Planning SY713-200-1301

The landscape proposals are for 9 semi mature new trees planted in shrub and herbaceous beds. Clearly the use of suitable trees will be essential to soften and enhance the scheme and create attractive and useable public spaces.

My concerns are the difficulty of establishing new trees in this hostile, hard landscaped environment for the long term, there is a lack of any detailed tree pit specifications or soil volume requirements. Therefore, there is a need for a rigorous specification for ground amelioration and the provision of a good growing medium to a depth and volume appropriate not just for initial establishment, but for the long-term good health and development into maturity of all the planting stock in accordance good practice as set out in BS 8545:2014 Trees: from nursery to independence in the landscape.

The use of a specialist tree planting company (for example Green & Blue Urban) will be essential to ensure planting is successful for both the short and long-term including detailed soil volume requirements. Without further evidence that the proposed planting scheme can be implemented it is not clear that the scheme represents sustainable development.

Recommendation

Details of planting pits, soil volumes and a 5-year management plan should be added to the landscape plan in line with BS 8545:2014 "Trees: from nursery to independence in the landscape" recommendations and made a condition of approval. A specialist company should be employed at an early stage to establish that the proposed tree planting is feasible in the chosen locations.

An earlier response indicated:

The proposals will impact on a significant group of 6 mature Whitebeam trees situated immediately adjacent to the site on the NW boundary in the pedestrianized area growing 3m apart. A tree survey has been submitted which demonstrates that whilst all the trees could be retained and protected overall, the wider approach is to consider if these trees are better removed to improve the views of Rowley House as "arguably these (trees) have outgrown the site and now block views of Rowley's house as well as giving some of the

public space a slightly claustrophobic feel". A further justification is due to the / poor average condition of 5 of the trees (4 "C" category 1 "U") and damage caused to hard surfacing by the roots.

Whilst overall I agree that a good case can be made for removing these trees, my own view is that the exception is Tree T6 (shown in photo below) a good specimen "A" category tree which could be retained within the proposed planting bed due to its established high amenity to Hill Street.

2) Proposed new landscaping comments

The landscape proposals are for 9 semi mature new trees planted in shrub and herbaceous beds. Clearly the use of suitable trees will be essential to soften and enhance the scheme and create attractive and useable public spaces.

My concerns are the difficulty of establishing new trees in this hostile, hard landscaped environment for the long term, there is a lack of any detailed tree pit specifications or soil volume requirements. Therefore, there is a need for a rigorous specification for ground amelioration and the provision of a good growing medium to a depth and volume appropriate not just for initial establishment, but for the long-term good health and development into maturity of all the planting stock in accordance good practice as set out in BS 8545:2014 Trees: from nursery to independence in the landscape.

The use of a specialist tree planting company (for example Green & Blue Urban) will be essential to ensure planting is successful for both the short and long-term including detailed soil volume requirements. Without further evidence that the proposed planting scheme can be implemented it is not clear that the scheme represents sustainable development in accordance with the aspirations set out in the NPPF.

Recommendation

Details of planting pits, soil volumes and a 5-year management plan should be added to the landscape plan in line with BS 8545:2014 "Trees: from nursery to independence in the landscape ' recommendations" and made a condition of approval. A specialist company should be employed at an early stage to establish that the proposed tree planting is feasible in the chosen locations.

An earlier response indicated:

There are a number of trees adjacent to the site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified six individual trees which have been assessed in

accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate. A further two trees have been identified but no details have been recorded as it is considered that these are a sufficient distance from the site so as not to be impacted.

The six trees form a visual and aerodynamically cohesive group to the east of Rowley's House, a significant historic building. To some extent the continuous canopy of the trees obscures the views of this elevation of the building and parts of the canopy is in contact with the building. The trees would benefit from tree surgery to raise the crowns and cut them back from the building. The AIA notes this and recommends the felling of three trees, one identified as being in poor condition and the other two as having a relatively low amenity value. It further considers the removal of all trees, replacing them with a single feature tree. Both approaches have merit and could be considered, however as these trees are outside the application area and are protected by the Conservation Area, a separate notification would be required if either of these two options was to be implemented.

The AIA notes that there would be some minor level of encroachment into the RPAs of the retained trees. It considers that this is within the maximum level of encroachment that is considered acceptable under BS 5837: 2012. Whilst it is acceptable that BS5837 recommendations allow up to 20% encroachment, this needs to be assessed on a tree by tree basis. In my view it is reasonable to assume that the trees would tolerate this, providing proper care was taken when working within the RPA.

The proposal include new tree planting, which is sufficient to off-set any tree losses and increases canopy cover and green infrastructure assets within the town, however given the prominence of the development and the importance of the new tree planting it is recommended that the Council's Landscape Advisor is consulted on this application to consider the aesthetics of the planting.

The following condition is advised if planning permission is granted.

In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'.

a) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a site-specific Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the

tree protection requirements recommended in BS5837: 2012 have been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement must provide details of how any operation within the RPA will be managed and controlled. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

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

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

4.8 **SC Environmental Protection** have responded indicating:

Environmental Protection has reviewed the information provided and has the following comments:

The retail uses could include restaurant or café uses, extraction systems associated with such uses have the potential to have a noise and odour impact in the area if not appropriately designed and maintained. Hence I recommend a condition requiring all such systems to be approved prior to the use commencing.

The plant associated with the hotel and retail uses has the potential to impact on nearby residential properties if it is not appropriately designed and mitigated in regards to noise. The acoustic report has recommended a condition requiring all plant and machinery to be designed to achieve a level of 10dB below background when assessed in accordance with BS4142: 2014. Environmental Protection agrees with the recommendation of the report and for this purpose recommends the conditions below.

1. No development shall take place until a noise mitigation scheme for any noise emitting plant and machinery, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure no observed adverse effect due to noise from the cumulative impact of any plant and or machinery associated with the proposed development. The

approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained. Before any new noise emitting plant and or machinery is used on the premises other than as provided in the approved scheme, a further scheme evidencing the same matters shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be completed before the plant or machinery is first used.

Reason: To protect the amenity of the area and nearby residential properties

2. Prior to any works associated with establishing A3 use at the premises, details of the extraction system, including noise information of any components (e.g. fans) and details of odour abatement technologies, shall be submitted in writing to the planning authority for approval. The information must show where the extraction system will run including elevation drawings to show termination height. The approved system shall be installed in full and maintained according to the manufacturers' instructions in perpetuity. Approval shall be sought upon each significant change to the type of food being prepared and therefore this condition shall stand as long as A3 use is permitted on this site.

Reason: To protect the amenity of the area and nearby residential properties

4.9 **SC Planning Policy** have responded indicating:

Background

This application is a resubmission following a previously withdrawn application (22/04028/FUL). The application seeks full planning permission for an 83 Bed Hotel and 3 retail units with associated car parking.

This proposal is being made within the development boundary of Shrewsbury (as defined within the adopted Local Plan (SAMDev)). The proposal does not lie on a preferred allocated site in the adopted Local Plan or form part of any preferred allocation within the draft Shropshire Local Plan, however it does lie within the Town Centre part of Shrewsbury as outlined in the Shrewsbury SAMDev Policy map (S16, Inset 1), as well as within the Shrewsbury Conversation Area.

Conformity with the Adopted Plan

Shrewsbury is considered to be a suitable location for sustainable development and is identified as strategic centre in the adopted Local Plan (Core Strategy and SAMDev). The site falls within the adopted development boundary for Shrewsbury as defined in the adopted Local Plan.

SAMDev policy S16.1, para 1 confirms that:

“Core Strategy Policy CS2 sets out the broad Development Strategy for Shrewsbury supplemented by this Policy S16.1. Appropriate development and redevelopment that accords with the Strategy will be

encouraged on suitable sites within the town's development boundary, which is identified on the Policies Map."

SAMDev policy S16.6A confirms that:

"A: Development proposals should have regard to the aims of:

- i. Renewing areas of relatively poor environment and greater potential, notably at Riverside, West End, Frankwell, Abbey Foregate and Castle Foregate;*
- ii. Reducing the impact of traffic and congestion in key areas, notably High Street/West End, Castle Street, Smithfield Road, Frankwell, Abbey Foregate and Castle Foregate;*
- iii. Ensuring strong, high quality public realm and links between spaces, particularly walking routes;*
- iv. Significantly enhancing the town centre retail offer, whilst retaining and developing the independent sector;*
- v. Enhancing the role of the river and access to it;*
- vi. Unlocking the potential of some vacant or underused buildings;*
- vii. Celebrating gateways and arrival points."*

Given the site's location (i.e. with no allocation designation) any development in this location would be considered as being windfall development.

SAMDev policy MD10a (Managing Town Centre Development) states under paragraph 2c:

"v. There is a presumption in favour of proposals for main town centre uses within the wider Town Centre."

In accordance with MD10b (Town and Rural Centre Impact Assessments), no Impact Assessment will be required for the retail element of the scheme as the site lies within the defined town centre of Shrewsbury.

Policy MD13: The Historic Environment is of particular importance due to the site's location near listed buildings and being within a conservation area. More detailed comments on these aspects will be supplied by the council's Historic Environment Team, however it is noted that a Heritage Impact Assessment has been provided with the planning application.

Due to the site's location and its immediate surroundings, all paras (i.e. MD13 paras 1-4) are all relevant to the application as all of them apply.

Local Plan Review

The emerging Draft Shropshire Local Plan (2016-2038) has been through several stages of consultation and the Draft Local Plan was submitted to the Planning Inspectorate for examination on the 3rd September 2021.

Paragraph 48 of the NPPF stipulates the factors which effect the amount of weight that can be applied to relevant policies in emerging plans. Reflecting these considerations, it is considered that given the relatively advanced stage of the Local Plan Review, some limited weight can be applied to relevant draft policies in the draft Shropshire Local Plan, as a material consideration in the decision-making process on Planning Applications. However, it is also considered that this limited weight is significantly reduced where there are any relevant unresolved objections. Ultimately, the draft Shropshire Local Plan will only carry full weight upon its adoption.

Additionally, like the Adopted Plan, the Draft Plan is intended to be read and used as a whole and all relevant policy requirements would need to be taken into account where it is proposed that any weight is given to the emerging Plan.

Local Plan Review Policy considerations

Shrewsbury is identified as a Strategic Centre in the Shropshire Core Strategy and SAMDev Plan and it continues this designation within the draft Shropshire Local Plan (Policy SP2 Strategic Approach and Policy S16 Shrewsbury Place Plan area).

The application site lies within the development boundary for Shrewsbury, albeit not included as any allocation. As such this application's approval would result in windfall development within the development boundary.

SP3 Climate change

This strategic policy encourages walking and cycle links between new developments to existing neighbourhoods and community facilities and enabling the integration of electric vehicle (EV) charging infrastructure into new development. The policy also seeks more broadly to reduce or offset carbon emissions for example through fabric energy efficiency, integration of renewable and low carbon energy systems into residential development and measures such as compensatory planting. SP3 also highlights measures needed to mitigate and adapt to climate change impacts which include SUDs & water efficiency measures and use of design and green infrastructure.

SP5 High Quality Design

This is an existing Adopted Local Plan policy requirement (notably in Policy MD2 SAMDev Plan but also elsewhere). The application should also be considered against this Draft policy which explicitly sets out expectation and principles for achieving new development which delivers high quality design.

SP12 Shropshire Economic Growth Strategy

This policy positively supports enterprise, development and diversification of the local economy, targets growing and under-represented sectors. Shropshire will increase its productivity by improving digital and transport connectivity,

making productive use of low carbon energy sources, meeting skills needs, and by using the benefits of its local talent and business expertise.

DP9 Managing and Supporting Town Centres

The site lies within the Town Centre area as illustrated in the policy maps. As such any proposal in this area must accord with policy DP9. This confirms that, for proposals in such areas:

“1. Development and other measures will maintain and enhance the vitality and viability of Shropshire’s network of Town Centres and High Streets in line with national policy, taking into account local regeneration strategies where appropriate, as well as the requirements of this policy and any settlement specific guidance contained in policies S1-S18.”

Para 6a confirms that:

“In supporting the appropriate management of uses within the defined Town Centres the following will apply:

a. There is a presumption in favour of proposals for main town centre uses within defined Town Centres;”

The policy’s supporting text states that:

“4.95 Whilst Shrewsbury has experienced a number of notable closures of national multiple operators recently, the overall offer in the town centre continues to be strong, supported by a well-regarded independent sector and bolstered by the aspirations of the Big Town Plan and associated masterplanning work. Shrewsbury is the only Centre with a defined Primary Shopping Area reflecting the continued importance of retail uses within the overall mix of uses.”

DP10 Tourism, Culture and Leisure

This emerging policy is relevant to this proposal due to the application’s nature of providing a hotel in a location in close proximity to several listed buildings within a conservation area. Of particular importance to this scheme is para 1a, 1b, 1c and 1e:

1. To deliver 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, emphasis will be placed on:

“a. 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;

b. Promoting connections between visitors and Shropshire's natural, cultural and historic environment, including through active recreation, access to heritage trails and parkland, and an enhanced value of local food, drink and crafts;

c. Supporting development that promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets including the Shropshire Hills AONB, rights-of-way network, canals, rivers, meres and mosses. Development must also meet the requirements of Policy DP14;

...

e. Promoting and preserving the distinctive historic, heritage brand and values of Shrewsbury, the Market Towns and rural areas;"

More detailed comments with regard to the historic environment and any potential impacts will be provided by the council's Historic Environment Team. However, the aforementioned criteria must be fully adhered to in order for the development to be policy compliant.

DP19 Water Resources and Water Quality

In line with existing adopted policy, development must not adversely affect the quality, quantity and flow of both ground and surface water and must ensure that there is adequate water infrastructure in place to meet its own needs.

DP23 Conserving and Enhancing the Historic Environment

The policy is of particular importance due to the site's location near listed buildings and being within a conservation area. More detailed comments on these aspects will be supplied by the council's Historic Environment Team, however it is noted that a Heritage Impact Assessment has been provided with the planning application.

Due to the site's location and its immediate surroundings, all paras (i.e. DP23 paras 1-7) are all relevant to the application as all of them apply.

DP27 Broadband and Mobile Communication Infrastructure

Shropshire businesses and communities require quality broadband provision and mobile network connectivity to support economic growth, social inclusion and community safety. Development proposals will be expected to provide the infrastructure for broadband and mobile communications as essential utilities.

Conclusion

Adopted Plan Policies contained within the SAMDev Plan and the Shropshire Core Strategy currently provide the main relevant local criteria for the consideration of applications. The emerging Draft Local Plan does need to be

taken into consideration, albeit with limited weight given the current stage in the examination process.

From a policy perspective, the scheme largely accords with the policies from SAMDev/Core Strategy and the draft Shropshire Local Plan. The location (in terms of being within the development boundary and within a defined Town Centre, under both SAMDev and the draft Shropshire Local Plan) is positive, as is its use. The retail which is to be provided as part of the proposal also accords with emerging policy DP9 and SAMDev policy MD10a.

However, comments from other consultees will be of importance to such a development, particularly those in the Historic Environment due to the site being surrounded by listed buildings. Highways will also have an important viewpoint on the possible impact(s) of a decrease in public parking and any potential increase in traffic in this area.

4.10 SC Conservation Manager has responded indicating:

Background to Recommendation:

It is understood the proposed development comprises a fully redesigned version of the previously withdrawn hotel scheme, with ground floor retail units and associated car parking and landscaping submitted under application reference 22/04028/FUL. The design of the elevations have also been amended twice since the application was first submitted, as the Applicant has sought to respond to points raised by statutory consultees and objectors to the scheme.

The proposed development site boundary is the same as the previous scheme and is located within the Shrewsbury Town Centre Special Character Area of the Shrewsbury Conservation Area. It is currently used as a surface car park and the proposed hotel with ground floor retail units would be situated in a prominent position, adjoining the Claremont Baptist Church, on the corner of Claremont Street and the Barker Street frontage. This is an area that was subject to large scale clearance and successive demolition works between the 1930s and 1960s, which removed a close-grained townscape comprising medieval tenement plots containing densely packed buildings, separated by narrow courts, yards and alleyways. Historic maps and pre-clearance photographs indicate that the Barker Street frontage was previously occupied by a continuous frontage of predominantly three storey buildings, extending from the Mermaid Public House, on the corner of Claremont Street, past Rowley's House, to the junction with Bridge Street.

The Grade II listed Rowley's House & Rowley's Mansion (NHLE ref. 1254524) is located immediately adjacent to the northern boundary of the proposed development site, which consequently falls within its setting. In summary, this complex comprises a substantial late 16th century, three storey building with attic, adjoining an early 17th century brick mansion house built by the draper and merchant William Rowley of Worfield. The significance of these*

buildings therefore derive from their architectural, historic and archaeological interest. Prior to the clearance this was surrounded by buildings and have only achieved their current visual prominence within the existing townscape as a consequence of being fortuitously spared from mid-20th century demolitions. Other Grade II listed buildings stand opposite the site, on the west side of Barker Street; east of the site fronting onto Mardol; and north of Hills Lane. In addition, many of the surrounding unlisted buildings are considered to comprise non-designated heritage assets that make a positive contribution to the character and appearance of the Conservation Area.

In archaeological terms, the proposed development site is located within Shrewsbury Deposit Zone XV – Mardol-Barker Street. Both the Heritage Impact Assessment that has been submitted with this application, and previous archaeological assessments of the car park, have highlighted the very high likelihood that deposits associated with the pre-clearance townscape and associated buildings survive across the proposed development site. These include the former Ship Inn (HER PRN ref. 30939). Previous investigations also include a Ground Penetrating Radar survey and trial trenching exercise, the latter of which confirmed the presence of medieval deposits c. 0.9 – 1.8m below the present ground surface in two trenches west and north of the Claremont Baptist Church. As consequence the proposed development site is considered to have high-very high archaeological potential.

RECOMMENDATION:

Summary: - No objection subject to conditions

Detail: -

The following advice is provided as a joint consultation response on behalf the Historic Environment Team.

When assessing this application due consideration has been given to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Policies CS2, CS6, CS17, MD2, MD13 and S16 of the Local Plan; the policies contained in Chapter 16 of the NPPF; and the guidance contained in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets).

With regard to Policy MD 13 of the Local Plan and Paragraph 194 of the NPPF, the applicant has submitted a Heritage Impact Assessment by Clwyd-Powys Archaeological Trust. This describes the significance of the designated and non-designated heritage assets that would be affected by the proposed development and assess the impacts that proposed development would have upon their significance.

In assessing that proposed development officers acknowledge that the planning permission for the Claremont Baptist Church site (planning application ref. 09/02760/FUL – hereafter referred to as the ‘medical centre scheme’) has been commenced and is therefore both extant and a significant material consideration. This comprises a four-storey building that was intended to accommodate ground floor retail including a pharmacy, together with a doctors surgery on the first and second floors and office accommodation on the third and fourth floors. This building would have an L-shaped plan that would abut the commenced component of the scheme, which comprised the replacement of the former Claremont Baptist Church building with a new steel framed building that retains the historic front façade of the church on Claremont Street.

In addition, officers are mindful that the Masterplan Vision for the Shrewsbury Big Town Plan advocates the reintroduction of built form into the surface carparks adjoining Barker Street and St Austin’s Street, including the present development site. Likewise, whilst many of the surrounding streets retain their close-grained plots and high-quality townscape, the 20th century clearances and demolitions on what are now the carpark sites have left ‘voids’ in the townscape and overall urban grain of this area of the town. As a consequence, officers consider that the existing ‘black top’ surface carparks create poor quality, car dominated spaces which, together with the exposed steelwork on the unfinished side elevations of the Claremont Baptist Church, make a negative contribution to the character and appearance of this part of the Conservation Area and to the setting, and thereby the significance, of Rowley’s House & Rowley’s Mansion. As such, there are no in principle objections to development on the application site on historic environment grounds.

Since the withdrawal of the previous application (ref. 22/04028/FUL) and during the current application officers have sought to work positively with the Applicant, as required by Paragraph 38 of the Framework, to improve the design of the proposed development. Despite this, officers acknowledge that the current application has attracted a significant level of objection, including from the Shrewsbury Civic Society, albeit in their most recent that the latter body does recognise that the Applicant has made ‘genuine attempts’ to improve the design and break down the mass of the building.

Historic England has also expressed concerns about the proposed development in their consultation responses of 7 May, 1 August, and 11 October respectively. Officers note, however, that whilst they have raised issues throughout about the design, Historic England have not objected outright to the development, instead advising that the planning decision rests with the local planning authority. This includes ensuring that the relevant local and national policy tests relating to the historic environment set out above are appropriately applied.

With regard to Paragraph 195 of the Framework, and in terms of assessing the impact the current application would have on the historic environment, officers recognise that the footprint of the hotel building has been slightly reduced and pulled further back from Rowley's House compared with the previous application (ref. 22/04028/FUL), to provide increased separation from the listed building. The revised landscaping scheme now proposes a garden area within the site boundary in this 'gap' between the buildings and along the north western edge of the site, therefore providing a significantly greater degree of soft landscaping than the current situation. The amount of the car parking has been significantly reduced over the current position, with hard landscaping that makes use of coloured surface treatments more in keeping with the historic context of the site. It is also understood that to further reduce the impact of the scheme, the Applicant is willing to offer a s106 Agreement to improve the landscaping around Rowley's, including provision to establish a York stone surfaced pedestrian access link from Hills Lane to Barker Street and high quality urban tree planting to replace the existing over mature white beams.

In terms of the design of the hotel building itself, officers acknowledge that the height of the roof has also been reduced over that proposed in the previous application (ref. 22/04028/FUL), and the fourth floor accommodated within a mansard effect roof with dormers, stepping down to three storeys nearest to Rowley's House. This three-storey section of the building has been redesigned as a stone clad 'pavilion', with a more active elevation that is intended to address the listed building.

Officers also note that the principle of accommodating the fourth floor within the roof space follows that established, albeit using a different architectural approach, by the extant permission for the medical centre scheme. Further, that the elevation drawings provided by the Applicant (Drawing No BST-AHRB1-XX-DR-A-08401-P22) demonstrate that the ridge height of the hotel building would also be lower than that of the medical centre scheme.

From the rendered visualisations included in both the Design and Access Statement and the context images, it is also understood that the building line on the Barker Street side of the street is intended to ensure that it will still be possible to gain views of the south-western end of the Mansion when looking northwards along Barker Street from, for example, at the Bottom of Claremont Hill.

Taking these points together, and with reference to Policy MD13 of the Local Plan and Paragraphs 199 and 200 of the NPPF, officers therefore consider that the revised scheme removes the harm that the previous proposal would have caused to the significance of Rowley's House & Rowley's Mansion, as a consequence of the overbearing effect upon its setting. In this respect they concur with the conclusions reached on this point in the Heritage Impact Assessment.

Turning to the other detailed aspects of the proposed design of the hotel building as now amended, the use mansard roof design with dormer windows means that the principal elevation on the Barker Street frontage is now intended to read as a three and half storey building, which steps down to two and a half storeys at its northern end, adjacent to Rowley's House. The overall massing of the elevation is broken up by two projecting gables of different design, together with a subsidiary third gable that would accommodate a stairwell. In comparison to the previous hotel scheme (ref. 22/04028/FUL), greater vertical emphasis is provided by both the gables and visible down pipes recessed into the brickwork. The use of stone cladding on the ground floor shop units, with middle bays stepping down the slope from south to north, the window heads and cills, and the parapet detailing and parapeted gable provide increased horizontal emphasis. Together this establishes a 'top, middle, base' treatment of the elevation which is in keeping with the approach advocated in the Council nascent Design Code for the town centre. The recessed four light window units at first floor level and use of blue glazed bricks in the gables take their cues from Victorian detailing.

The Claremont Street elevation provides a secondary frontage that now sits more comfortably with the scale and proportions of the buildings on the northern side of the street, whilst also complementing and not competing with the architectural ostentation of the retained façade of the Claremont Baptists Church. As now amended, the hotel signage is minimised on the Barker Street Frontage. By necessity, the rear (eastern elevation) of the building continues to accommodate the servicing of the building but the redesign means that it now reads more coherently with the other elevations.

Officers acknowledge that the overall form, massing and liner footprint of the proposed hotel building is different to that of extant medical centre scheme. However, officers consider that the overall quantum of development is no greater than that of the medical centre building. Likewise, the facades of the medical centre scheme make extensive use of two colours of render and glazing to break up the massing, which officers contend is less reflective of materiality surround townscape than the extensive brickwork and Grinshill coloured stone cladding on the proposed hotel building.

Drawing these points together, officers conclude that the design of the proposed development will preserve the overall character and appearance of the Conservation Area, whilst a degree of enhancement will be provided by the reintroduction of built form and the reduction in the extent and re-landscaping of surface car parking. As such, and when also taking account of the existing situation on the proposed development site and the position established by the extant medical centre scheme, the overall effect on the Conservation Area is considered to be neutral – (minor) positive. Consequently, and with reference to Policy MD13 of the Local Plan and Paragraphs 199 and 200 of the NPPF, officers consider that the revised proposal will not cause harm to its significance as a designated heritage asset. This will, however, be subject to conditions requiring approval of the details of

the external materials on the hotel building and the landscaping design in order to ensure that the merits of the revised design are fully achieved. Suitable conditions are therefore advised below.

With regard to the archaeological interest of the proposed development site, and in relation to Policy MD13 of the Local Plan and Paragraph 205 of the NPPF, it is advised that a programme of archaeological work would need to be made a condition of planning permission. The exact requirements would be subject to the final foundation designs of the proposed hotel building, and the extent of any wider groundworks across the site but would be likely to entail at least some open area excavation within the footprint of the building. An appropriate condition of any such consent would be: -

Suggested Conditions:

External materials: -CC1. Details of External Materials

Reason: To ensure that the character and appearance of the Conservation Area is preserved.

Landscaping: -DD1. Landscape Design

Reason: To ensure that the character and appearance of the Conservation Area is enhanced.

Archaeology: -

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

Reason: The site is known to hold archaeological interest.

4.11 **SC Highways Manager** has responded indicating:

It is noted that the car parking arrangements at the rear of the site have been amended to reflect Cole Hall being retained in its present form as opposed to incorporating the existing highway extent of Cole Hall into the overall parking area to service both the car park and adjacent frontages, that currently benefit by the status of Cole Hall. The highway authority recognises that there would be potential benefits of the original car parking proposals but accept also that there are legal implications in bringing this forward. That said, it is not considered that this is a material consideration that would otherwise affect the determination of this application. The revised proposals are considered acceptable although as stated previously, the highway authority do not fully support the retention of the limited car park for public use but accept that the retention of car park would benefit the hotel customers and it would be a

matter between the hotel operator and car park owner regarding any arrangement between the 2 parties over its use.

As set out previously, whilst it is noted that there has been objection to this application because of the loss of parking, the highway authority do not consider that an objection is warranted or be defensible. The issues concerning parking stock in the town centre are currently being considered alongside the Big Town Plan and major redevelopment within the Town Centre and it is considered that the loss of this particular privately owned car park would not prejudice the work that is being undertaken. It is acknowledged also that the site currently benefits from an extant planning permission and this also is a material consideration.

In other respects, it is considered important that the pedestrian routing through the site between the landscaped area on the northern side of the building and Rowleys House provides an attractive avenue to encourage pedestrian activity between Barker Street through to the Mardol. It is understood that a financial contribution will be made in terms of the Council's asset in improving the current landscaping adjacent to Rowleys House and this is considered a positive.

The scheme includes a taxi drop off and pick up area outside of the building on Barker Street and this will need to be controlled by way of a Traffic Regulation Order. This element will need to be incorporated into a Section 106 requirement.

Notwithstanding that this development is within the river loop and a town centre location, a Travel Plan should be provided to encourage sustainable travel to the site by both customers and staff.

The construction period will be an important issue to address to ensure that the redevelopment of the site will not cause an adverse impact throughout the development of the site and therefore will require a detailed Construction Traffic Management Plan/Method Statement to demonstrate how the construction period can be mitigated to reduce its impact in this part of the town centre and ensure that both highway and pedestrian/cycling safety is not compromised.

It is assumed that Conditions will be imposed that the development will be carried out strictly in accordance with the approved drawings and to ensure that any doors/windows do not open in the direction of the highway. The highway authority request that the following construction condition is imposed:-

- Prior to the commencement of development a Construction Traffic Management Plan/Method Statement (CTMP/MS) shall be submitted to and approved in writing by the Local Planning Authority; the approved details shall be fully implemented and shall remain in force for the duration of the*

construction period. Reason: In the interests of local amenity and highway/pedestrian safety.

- *Prior to the development hereby permitted being first brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Reason: To promote sustainable travel opportunities and reduce car borne travel into the town centre.*

4.12 **Public Comments**

4.13 Fifty-four letters of objections have been received from members of the public. Key planning issues raised can be summarised as follows:

- Proposal is not considered to be in keeping with the surrounding area which forms part of a Conservation Area.
- Imposing proposal in relation to Rowley's Mansion, to which any development should not mirror in any way.
- Other alternative sites better located for development of this nature. Also consideration should be given in the first instance to re-use of existing buildings.
- Further consideration required to more open space and soft landscaping in this part of the town and tree planting alongside the front street elevation of the site. Concerns also raised with regards to area of kerb alongside front corner of building.
- Proposal not considered to accord with the Big Town Plan in that it does not connect with the town's unique character and heritage.
- Detrimental impact on surrounding residential amenity.
- No consultation with surrounding residents.
- Detrimental impact on availability of car parking places for members of the public and loss of existing car parking facilities.
- Proposal considered a hideous architectural design.
- No need for the retail units in consideration of current amount of empty shop units in the town centre.
- Proposal better suited to the Riverside development.

4.14 Eight letters of support/comment have been received from members of the public. Key reasons include:

- There is a need for hotel accommodation within the town of Shrewsbury.
- Car parking is not an issue to object in relation to this application.
- The design works aesthetically.
- This will help to stimulate the surrounding area, (including future use of Rowley's House), local hospitality offerings and tourist attractions.
- Overall the proposal represents economic benefits to the surrounding area.
- The exterior appears to be red brick and would be expected to age fairly gracefully.

- 4.15 **Shrewsbury Civic Society** has responded to the application and the latest amended plans indicating:

Shrewsbury Civic Society's (SCS) comments on these latest revised proposals, fall into two categories; firstly those involving the design of the hotel itself and secondly those relating to the wider context of the development site.

The hotel building

- We remain opposed to the bulk of the structure especially its height and would refer to our more detailed comments in previous submissions on the planning portal.*
- We acknowledge that the applicant is constrained by the very prescriptive, and in this context unhelpful, brief that Travelodge insist on. The problem remains very largely the quantum of development rather than the ways in which the architects are 'wrapping' it. Basically, we feel that this quantum is unsuitable for this site.*
- We acknowledge that the applicants are trying to reflect some concerns regarding exterior detailing and appreciate their willingness to take these into account including for example smaller dormer windows and that the shop fronts now step down Barker Street to reflect its topography, though the need for a single use within the building's upper floors and thus continuous level floors, mitigates against the equivalent stepping down of the fenestration and roofline in a way that would make this approach more meaningful.*
- We suggested in our previous comments on the planning portal, that having different designs for the two main gables created a fussy appearance and so we support the new simpler approach with a more limited palette of materials adopted in these revised proposals.*

The wider context of the site

- SCS has, for nearly 30 years, urged the restoration of a dense but intricate urban grain to this site and the neighbouring car park in Bridge Street. These views were, and are, a major aspect of our objections to this application. In principle, building along Barker Street is of course potentially a welcome development. However, the neglect, as we see it, of the area to the rear of the Travelodge and along Hill's Lane in this application is a major concern.*
- It could be reasonably argued that development along Barker Street is 'phase 1' in a process that would ultimately lead to further 'urban repair' on the rest of the site. However, planning for that future development in the form of a masterplan should in our view have been integral to this application. An iterative masterplan drawing for the development of the rest of the site, as part of this application would have been a useful indication of general intent. More importantly however, we would have liked to have seen a clear commitment from the applicants to work with other bodies to produce a detailed masterplan for the whole site in the very near future along the lines outlined by the Big Town Plan and in the evolving Design Code, which is briefly referred to in this application. This development does not necessarily preclude further, more sympathetic, development on the site but it probably does make it harder to achieve in the absence of a more holistic approach.*

- The current landscaping proposals only really have meaning in the immediate area between the proposed Travelodge and Rowley's House along Barker Street. The creation of a new public space behind the Travelodge, in effect an enlarged 'New Ship Inn Yard, for which we and others have argued should inform the nature of the landscaping here and along Hill's Lane. The current landscaping proposals are in effect operating within a townscape vacuum. In our view, planting along Hill's Lane should be omitted. This is a prime site for future building development, perhaps partly as an extension to Rowley's Mansion along Hill's Lane to create a semi-enclosed public space. Bushes or trees are not an appropriate substitute.

In conclusion, we acknowledge the genuine attempts by the architects to break down the mass of the proposed Travelodge and give it a street presence appropriate to the site. These efforts have to some extent softened the previous monolithic nature of the proposed structure. However, we again argue that the key issue is that the quantum of development being proposed is too large for this site. We also maintain that, despite a stated acceptance of the desirability of restoring the urban grain of the area, the absence of a meaningful masterplan which addresses this restoration in the area behind the Travelodge and along Hill's Lane is problematic.

4.16 **The Shrewsbury Big Town Plan** have objected to the application indicating:

I am writing on behalf of the Shrewsbury Big Town Plan Partnership Board, as its chair, with reference to the above planning application.

The Shrewsbury Big Town Partnership (BTP) wishes to raise its concerns regarding the proposed development of a Travelodge.

BTP recognises that the West End is in need of regeneration, hence it being one of the main character areas in the Partnership's Masterplan. Areas (including Rowley's House) are looking tired and we welcome the interest from private companies to develop sites such as this. We also welcome enhanced hotel provision in the town generally.

We believe that to truly revitalise this area the need for a comprehensive approach to its delivery is required rather than piecemeal developments which aim to contribute towards the masterplan vision but do not.

The Bellstone end of the West End has seen the start of regeneration with footfall increasing and the primary shopping offer expanding as all the units of the Market Hall being let. This development site would give a significantly large opportunity to enhancing that ground floor "shop front" potential through a more innovative allocation of use, similar to the extant planning permission on the site. We believe that this development does not accord with the fundamental principles of Paragraph 130 of the National Planning Policy Framework

130. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Following the award of government funding, BTP commissioned the development of a Design Code both in a broad overview of the town centre and more specifically to the West End and in more detail to individual development sites, including this site. We believe that whilst this has not currently been adopted as a Supplementary Planning Document, its completion and sign off to submit to Government for review gives it weight as a material consideration.

We believe that design delivered through partnership working offers the best way forward and could be brought together in the form of masterplan to guide new development.

The recently completed Design Code for Shrewsbury was developed in partnership with Shropshire Council, Shrewsbury Town Council and the Shrewsbury Business Improvement District. It featured 12 key characteristics developed following extensive community and stakeholder engagement, and will be submitted for formal adoption in the near future. It is hoped therefore that any applicant who is committed to delivering successful high-quality schemes would embrace this guidance in its current form.

However, the current proposals seem to dismiss what is set out in this Code and is more likely to undermine the wider regeneration of the West End rather than acting as a catalyst.

Despite the various changes to the proposed scheme, the actual design is not the fundamental issue here, given that design is in essence only a response to the original client brief; moreover, it is the combination of three key elements:

- the proposed location*

- the use
- the quantum of development required by the end user.

These 3 elements create a building that is clearly at odds with the existing fine urban grain, variation in roofline, stepping down to reflect the changes in level across the site and creating a more human scale that does not dominate the buildings adjacent, such as Rowley's House and Claremont Baptist Church. Consequently, there is a need to change at least one of these aspects of the scheme, rather than merely effecting minor design changes as this latest iteration reflects.

In conclusion, the proposed scheme is unacceptable and should be resisted in principle in its current form, since it does not comply with NPPF paragraph 130, nor does it respond positively to the Big Town Plan's vision, a material consideration that provides the framework for the new Design Code.

In contrast, a masterplan, when finalised, would secure the area's longer term vision and future by creating the necessary framework to promote frontages to both Barker Street AND Hills Lane, with a more appropriate setting for Rowley's House and opportunities for high quality public open space. A more integrated approach is also more likely to kickstart inward investment and high quality development than this proposal alone given which despite a series of amendments would seem to offer few benefits to the wider area.

5.0 THE MAIN ISSUES

- Principle of development
- Impact on the Conservation Area and historic features.
- Siting, scale and design of structure
- Visual impact, landscaping and biodiversity.
- Highways and transportation
- Residential amenity.
- Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The development plan in Shropshire consists of the Core Strategy (adopted in February 2011), and the Site Allocations and Management of Development (SAMDev) Plan (adopted in December 2015). While planning applications are considered against the

policies of the development plan as a whole, specifically relevant policies to this application are set out further below

- 6.1.2 Core Strategy Policy CS6: Sustainable design and development principles states that to create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change. It further states that all development will protect, restore, conserve and enhance 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, having regard to national and local design guidance.
- 6.1.3 Policy MD2 of the SAMDev on Sustainable Design indicates for development proposals to be considered acceptable development must respond positively to local design aspirations and contribute to and respect local distinctive or valued character.
- 6.1.4 Policy MD13: The Historic Environment in the SAMDev states that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that where ever possible proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings and that ensuring that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect.
- 6.1.5 Paragraph 3.132 in support of Policy MD13 states Heritage assets are buildings, monuments, sites, places, areas or landscapes that merit consideration as part of the planning process. The term includes all designated and non-designated assets and makes reference to 'Conservation Areas' as a designated asset.
- 6.1.6 The National Planning Policy Framework, (NPPF) sets out the Government's planning policy and is a significant material planning consideration for decision takers. Paragraph 38 of the framework says that "Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area." The NPPF indicates a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan.
- 6.1.7 The NPPF states that achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are:
- An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth,

innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 6.1.8 The principle of this form of development is considered acceptable within the town of Shrewsbury. The key considerations in this case are whether the merits of the proposal in constructing the hotel and 3 retail units and associated car parking and landscaping through the use and the design along with the impacts on the setting of the nearby listed buildings and non-designated asset structures outweigh any detrimental impacts in relation to the setting of the Conservation Area, and listed buildings and the contribution the site makes to the historic and architectural character and appearance of the Shrewsbury Conservation Area. The key material considerations are considered further below.

6.2 **Historic environment and impact**

- 6.2.1 There is a statutory duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining planning applications within Conservation Areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. There is a statutory presumption, and according to the Courts, a strong one, against the grant of planning permission in instances where a scheme cannot be demonstrated to preserve listed buildings and their settings and either preserve or enhance the character or appearance of the Conservation Area, unless these very strong considerations are outweighed by other material planning considerations. Case law has established that an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if

it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. Harm to a Conservation Area must be given considerable importance and weight in that balance even if that harm is less than substantial.

- 6.2.2 Section 16: Conserving and enhancing the historic environment in the National Planning Policy Framework, (NPPF), indicates:
In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'. (Para 194)

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal' (Para 195)

It is considered that this matter has been adequately considered by the Council's Conservation team as referred to in paragraph 4.10 of this report.

*'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness'. (Para 197)*

This matter is further considered later in this report.

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance' (para 199).

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification' (para 200).

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use'.(para 202).

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. (para 203)

'Local planning authorities should not permit the loss or harm of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred'.(para 204)

'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'. (para 206)

'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other elements) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole'.(para 207)

'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies'(para 208)

In this instance the heritage assets are the Conservation Area and Rowley's Mansion House. along with surrounding non designated heritage assets and other grade two listed buildings settings within the surrounding vicinity.

- 6.2.4 The starting point for the Local Planning Authority's assessment of the impact on the Conservation Area is the positive legal duty imposed upon it by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. When determining planning applications within Conservation Area this

- requires that “...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” The fact that ‘special attention’ has to be paid to these considerations indicates that this issue should be assigned considerable weight in undertaking the planning balance
- 6.2.5 The applicants have submitted in support of their application a heritage impact assessment and this concludes

‘that there is a risk of substantial harm to buried archaeological remains if the project was to proceed in an unmitigated manner, but that with careful design and a programme of archaeological investigation, the change to the existing baseline could be managed in an acceptable manner.

There would be no harm to the heritage significance of Rowley’s House and Mansion. At present it is isolated within open areas making the special architectural interest of the building easily appreciated from all sides and from long distance vistas. Although the introduction of a three – four storey modern building to within c.10m of the Grade II listed building would reduce the opportunity to appreciate it in its setting from the southern end of Barker Street, the proposed public realm improvements in close proximity to it due to changes to the car parking area, would help to enhance the setting of the listed building.*

It has been assessed that there would be no harm to the four listed buildings along Barker Street or those on Hills Lane from the proposed development. With sensitive detailed design the new building would be acceptable within the Shrewsbury Conservation Area, and granting planning consent would be consistent with other relatively recent decisions in this part of the town. Also, any decision should be weighed against the benefit of reinstating the Barker Street frontage and removal of the long view across the surface car park that contributes little to the overall quality of the townscape.

- This heritage impact assessment should reassure decision makers that they can demonstrate compliance with the statutory need in section 66 of the 1990 Town and Country Planning Act of their duty to preserve listed buildings and their settings.’*
- 6.2.6 Historic England have commented on the application as set out in paragraph 4.3 above, indicating concerns regarding the application on heritage grounds, and in particular as to the overall design and massing of the scheme, indicating it will be for the authority to consider how and what more can be achieved further to paragraph 195 of the NPPF in minimising conflict between any part of the development proposals and the conservation of heritage assets such that all remaining harm has clear and convincing justification (and is shown to be necessary to the delivery of public goods) before a balance in respect of less than substantial harm is applied with great weight afforded to the conservation of the significance of designated heritage assets.
- 6.2.7 The Shrewsbury Big Town Plan have responded to the application as outlined in paragraph 4.16 above concluding that the proposed scheme is unacceptable and should be resisted in principle in its current form, since it

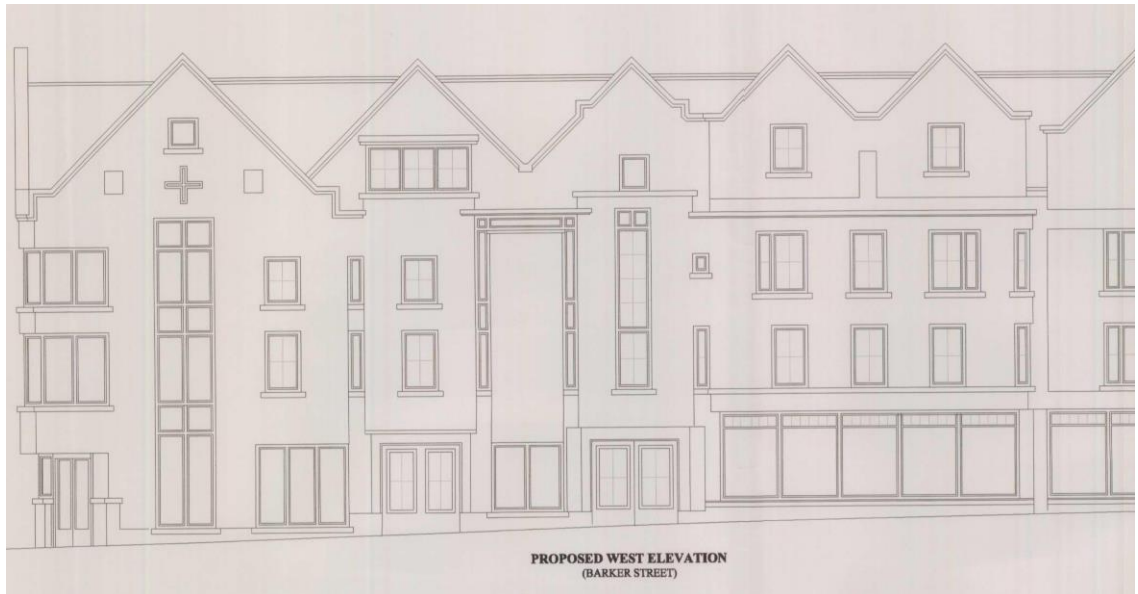
does not comply with NPPF paragraph 130, nor does it respond positively to the Big Town Plan's vision, a material consideration that provides the framework for the new Design Code. The response indicates that a master plan, when finalised, would secure the area's longer-term vision and future by creating the necessary framework to promote frontages to both Barker Street and Hills Lane, with a more appropriate setting for Rowley's House and opportunities for high quality public open space. A more integrated approach is also more likely to kickstart inward investment and high-quality development than this proposal alone given which despite a series of amendments would seem to offer few benefits to the wider area.

- 6.2.8 In response to comments by the Big Town Plan, whilst their reference and comments in relation to paragraph 130 in the NPPF is recognised, (not necessarily agreed with), it must be realised that the 'Design Codes, as referred to remain in draft form at the current time, are not therefore adopted supplementary or planning policy/guidance and therefore cannot be afforded any significant planning weight in the determination of this application. There is also no adopted master plan for the area and producing one would require both co-operation and active engagement from the Applicant as the land owner
- 6.2.9 Shrewsbury Town Council's response to the application is also acknowledged in that they comment that the proposal is too vast for the location and that the building is not justified, and too large for the site and will dominate the church next door.
- 6.2.10 Shrewsbury Civic Society and members of the public have also raised concerns in that they consider that the quantum of development being proposed is too large for this site and that in the absence of a meaningful master plan that re-development in this area is problematic. It is noted members of the public have also raised concerns with regards to impacts of the proposal on nearby listed buildings and in particular Rowley's Mansion and the Conservation Area that the site forms part of.
- 6.2.11 The Council's Conservation response raises no objections to the application subject to conditions. (Set out in full in paragraph 4.10 above). As pointed out in the response the site is in an area that was subject to large scale clearance and successive demolition works between the 1930s and 1960s, which removed a close-grained townscape comprising medieval tenement plots containing densely packed buildings, separated by narrow courts, yards and alleyways. Historic maps and pre-clearance photographs indicate that the Barker Street frontage was previously occupied by a continuous frontage of predominantly three storey buildings. The Grade II* listed Rowley's House & Rowley's Mansion is located immediately adjacent to the northern boundary of the proposed development site, which consequently falls within its setting and prior to the clearance this was surrounded by buildings and have only achieved their current visual prominence within the existing townscape as a consequence of being fortuitously spared from mid-20th century demolitions. Other Grade II listed buildings stand opposite the site, on the west side of Barker Street; east of the site fronting onto Mardol; and north of Hills Lane. In addition, many of the surrounding unlisted buildings are considered to

comprise of non-designated heritage assets that make a positive contribution to the character and appearance of the Conservation Area.

- 6.2.12 The Council's Conservation response also rightly makes reference to a previous planning approval reference 09/02760/FUL on site for a medical centre scheme. This planning permission is commenced, and therefore remains extant and thus is also a material planning consideration. This was for a four storey building which also included ground floor retailing. (See approved elevation plan facing onto Barker Street, below.

- 6.2.13 .



- 6.2.14 Also as referenced by the Council's Conservation Manager in his response in addition, it is noted that the Master plan Vision for the Shrewsbury Big Town Plan advocates the re-introduction of built form into the surface car parks adjoining Barker Street and St Austin's Street, including the present development site. Likewise, whilst many of the surrounding streets retain their close-grained plots and high-quality townscape, the 20th century clearances and demolitions on what are now the car park sites have left 'voids' in the townscape and overall urban grain of this area of the town. As a consequence, officers consider that the existing 'black top' surface car parks create poor quality, car dominated spaces which, together with the exposed steelwork on the unfinished side elevations of the Claremont Baptist Church, make a negative contribution to the character and appearance of this part of the Conservation Area and to the setting, and thereby the significance, of Rowley's House & Rowley's Mansion. This is considered a significant material consideration that tips in the balance towards supporting the application.

- 6.2.15 Also as acknowledged by the Conservation Manager the scheme before members is the result of amended plans in that the footprint of the scheme has been slightly reduced and pulled back further away from Rowley's House in order to provide increased separation from the Grade II* listed building, with a larger landscaped area along with design changes to the structure as outlined in the Conservation Manager's response in paragraph 4.10 earlier in this report. .

- 6.2.16 The Council's Conservation Manager has also responded on archaeology issues in that the proposed development site is likely to have very high archaeological potential and that this matter can be addressed via the attachment of a condition to any approval notice with regards to a programme of archaeological works.
- 6.2.17 In conclusion in relation to impacts of the proposed development on the surrounding historic environment, it is clear that this has caused considerable debate amongst consultee and members of the public in responses to the application, with widespread variations in conclusions drawn. Officers are mindful of the requirements to assess the development in relation to the NPPF and in particular paragraphs 195, 199, 200 and 202 as commented upon by Historic England in their response to the application. Taking all the strands into consideration as discussed in this report, Officers consider that the proposed development with careful consideration to external construction materials is acceptable, with no harm in relation to the surrounding Conservation Area and its historic contributors and this includes consideration to the Grade II* Rowley's House and Mansion and its setting, other nearby listed buildings and non-designated heritage assets and this also includes reference to the Baptist Church located on the corner of Barker Street and Claremont Street. As such with conditions attached to any approval notice issued with regards to detail of external construction materials, landscape design and archaeology as recommended by the Council's Conservation Manager in response to the application, on historic impact issues the proposal is considered by Officers to comply with the necessary tests as set out in the NPPF and Local Plan policies CS2, CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD13 and S16 of the SAMDev, Sections 66(1) and 72(1) of the Planning (Listed buildings and Conservation Area Act 1990, guidance as set out in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 and 3.
- 6.3 **Siting, scale and design of structure**
- 6.3.1 Policy CS6 of the Core Strategy is concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by SAMDev Policy MD2. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduced reliance on private motor traffic, be respectful of its physical, landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. Significantly, Policy MD2 allows for appropriate modern design and promotes “embracing opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”
- 6.3.2 Paragraph 127 of the NPPF indicates that decisions should ensure that developments, ‘are sympathetic to local character and history, including the surrounding built environment and landscape setting and are visually attractive as a result of good architecture, layout and appropriate and effective

landscaping. Comment is also made that innovation and appropriate change should not be discouraged such as increased densities’.

- 6.3.3 The overall proposed design of the building is of a building of four floors (making use of the roof space), with a mansard effect roof with dormers, stepping down to three storeys nearest to Rowley’s House and Mansion. This three storey section of the building has been designed as a stone clad ‘pavilion’, with a more active elevation that is intended to address the listed building. The principle of accommodating the fourth floor within the roof space follows that as established, albeit using a different architectural approach, by the extant permission for the medical centre scheme. Further, that the elevation drawings provided by the applicant, (drawing no. BST-AHRB1-XX-DR-A-08401-P22) demonstrate that the ridge height of the hotel building would also be lower than that of the extant medical centre scheme. From the rendered visualisations included in detail in support of the application, the building line on the Barker Street side of the street is intended to ensure that it will still be possible to gain views of the south-western end of the Mansion when looking northwards along Barker Street from, for example, at the bottom of Claremont Hill.
- 6.3.4 The use of a mansard roof design with dormer windows means that the principal elevation on the Barker Street frontage reads as a three and half storey building, which steps down to two and a half storeys at its northern end, adjacent to Rowley’s House. The overall massing of the elevation is broken up by two projecting gables of different design, together with a subsidiary third gable that would accommodate a stairwell. Vertical emphasis is provided by both the gables and visible down pipes recessed into the brickwork. The use of stone cladding on the ground floor shop units, with middle bays stepping down the slope from south to north, the window heads and cills, and the parapet detailing and parapeted gable provide horizontal emphasis. Together this establishes a ‘top, middle, base’ treatment of the elevation which is in keeping with the approach advocated in the Council nascent Design Code for the town centre. The recessed four light window units at first floor level and use of blue glazed bricks in the gables take their cues from Victorian detailing. The Claremont Street elevation provides a secondary frontage that it is considered sits comfortably with the scale and proportions of the buildings on the northern side of the street, whilst also complementing and not competing with the architectural ostentation of the retained façade of the Claremont Baptists Church. Hotel signage appears minimised on the Barker Street frontage. By necessity, the rear (eastern elevation) of the building accommodates the servicing of the building and it is considered that this reads coherently with the other elevations. Officers consider that the overall form, massing and linear footprint of the proposed hotel building is different and a significant improvement to that of the extant medical centre scheme, and overall quantum of development is no greater than that of the medical centre building. The facades of the medical centre scheme make extensive use of two colours of render and glazing to break up the massing, which officers consider is less reflective of materiality surround townscape than the extensive brickwork and Grinshill coloured stone cladding on the proposed hotel building.

- 6.3.5 On scale and design officers consider that the design of the proposed development will preserve the overall character and appearance of the Conservation Area, within which the site is located within, with a degree of enhancement provided by the re-introduction of built form and the reduction in the extent and re-landscaping of very visual to the street scene of surface car parking to the side and rear of the site.
- 6.3.6 With careful consideration to external construction materials and landscaping that can be subject to conditions to any approval notice subsequently issued, the proposal on balance considered to comply with Policies CS6 of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev, the NPPF in relation to scale and design, and acceptable in relation to paragraphs 199 and 200, Officers consider that the proposal will not cause harm to the site surroundings as a significant designated heritage asset.
- 6.4 **Visual impact, landscaping and biodiversity.**
- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy encourages development that improves the sustainability of communities whilst requiring development to protect and conserve the natural, built and historic 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, and the achievement of local standards for the provision and quality of open space and ensure sustainable design and construction principles are incorporated within the new development.
- 6.4.2 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.
- 6.4.3 Policy CS17 'Environmental Networks' 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. In addition, 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 Also, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.
- 6.5.4 The applicants in support of their application have indicated in their amended Design and Access Statement that the footpath that runs between Hill's Lane and Barker Street is an important pedestrian connector. This will become much better defined once the proposed hotel negates the 'sea of tarmac' which currently dominates the south side of the bend in Hill's Lane. In terms of the wider structure of Shrewsbury's West End, this is the natural route between the northern part of Mardol / Smithfield Road to Claremont Hill / St John's Hill / the Quarry. The current proposals are a great opportunity to

upgrade this part of the pedestrian movement network. There will be no vegetation on the Barker Street side of the site in order not to obstruct pedestrian free flow and views towards Rowley's House/Mansion. Detail indicates that the external works proposed are conceived as contributing towards repairing the historic character of the town, which must also function as a series of purposeful, practical and manageable spaces. The Barker Street footway is widened and paved with traditional Yorkstone to make a continuous surface at the active commercial frontage. The garden to the north of the hotel is enclosed with hedges, so could be managed as a spill out space for a café or restaurant. The green space between the garden and the car park is publicly accessible 24/7 and provides a visual green buffer.

The car park use on some of the site is retained with reduced capacity, but with a properly defined safer footway at Hill's Lane and six blue badge spaces. The back of house area for the hotel and commercial units is clearly defined from the public car park, but not physically secured with unsightly fencing. The landscape proposals seek to introduce greenery whilst remaining sensitive to the historic urban context. This urban greening is aimed at making urban areas more biodiverse, with biophilic benefits for residents, workers and visitors, in order to try and increase footfall and dwell time, all contributing to the social and economic health of urban living.

6.5.5 The application proposes construction on a hard surfaced area with no demolition of existing structures on a site considered brown field, with little or no vegetation of any significance. Whilst the application also proposes via a Section 106 agreement off site removal of six trees and replanting using new species, any issues in respect of ecological concerns with regards to the removal of the trees can be included as part of the proposed Section 106 agreement /condition attached to any approval notice removal of trees outside the bird nesting season. A section 106 agreement is referred to in paragraph 6.5.7 below.

6.5.6 There are six existing Whitebeam trees to the eastern side of Rowley's House & Mansion. As these have matured it has become clear that they are an unsuitable species for various reasons. They are considered unsuitable specimens for their location with large crowns and shallow roots that appear to have roots that have lifted paving, disturbed surface levels, interrupted drainage and so damaged foundations. Thirdly, this is a monoculture and could be more biodiverse. These trees are not within the application site area, however the applicants have proposed to have these trees removed as a benefit to all the interested parties and plant replacement trees, planted within the application site area, to consist of a range of native and 'exotic' trees to assist biodiversity, using species which are more appropriate in terms of mature size and habit. The application proposes the following tree plantings:

Acer campestre (field maple) - 40-50cm girth - 1 no.

Carpinus betula Fastigiata' (fastigate hornbeam) - 40-50cm girth - 1 no.

Quercus cerris (turkey oak) - 40-50cm girth - 1 no.

Sorbus aucuparia 'Fastigiata' (rowan), - 20-25cm girth - 5 no.

Sorbus intermedia (Swedish whitebeam), - 30-35cm girth - 1 no

- 6.5.7 As the existing whitebeam trees are located outside the application site, the applicants propose entering into a Section 106 agreement to secure the following:

To make a payment to Shropshire Council of £60,800 for the purposes of delivering enhanced landscaping and pedestrian connectivity between Barker Street and Hills Lane to include:-

- Felling existing trees - £3,300
- The overall cost for new planting and maintenance (including preliminaries @10%) for two appropriately specified trees - £27,500
- Hard landscaping works to create pedestrian link between Barker St and Hills Lane - £30,000

Trigger for payment: Prior to bringing the application development into use.
Trigger for repayment of contribution to Morris & Co: 5 years from receipt of payment if not used for the required purpose.

- 6.5.8 The SC Tree Manager has responded to the application indicating whilst a good case could be put forward for the removal of the existing whitebeam trees, one of them is considered a good specimen "A" category tree, which could be retained within the proposed planting bed due to its established high amenity value to Hill Street. The response indicates that the landscape proposals are for 9 semi mature new trees planted in shrub and herbaceous beds. Clearly the use of suitable trees will be essential to soften and enhance the scheme and create attractive and useable public spaces. However concerns are raised that there can be difficulty establishing new trees in this hostile, hard landscaped environment in the long term, application detail lacks any detailed tree pit specifications or soil volume requirements. Therefore, there is a need for a rigorous specification for ground amelioration and the provision of a good growing medium to a depth and volume appropriate not just for initial establishment, but for the long-term good health and development into maturity of all the planting stock in accordance good practice as set out in BS 8545:2014 Trees: from nursery to independence in the landscape. The use of a specialist tree planting company (for example Green & Blue Urban) will be essential to ensure planting is successful for both the short and long-term including detailed soil volume requirements. The response recommends details of planting pits, soil volumes and a 5-year management plan that should be added to the landscape plan in line with BS 8545:2014 "Trees: from nursery to independence in the landscape" recommendations" and made a condition of approval. A specialist company should be employed at an early stage to establish that the proposed tree planting is feasible in the chosen locations.

- 6.5.9 Whilst it is considered disappointing that the 'category A' tree is proposed for removal, overall the existing whitebeams are considered poor quality and not ideal for the location they are located within. Officers consider on balance the landscaping proposals as put forward by the applicants to be a significant improvement to the public realm of the area which will also substantially assist in the setting of Rowley's House and Mansion and that of the development as proposed whilst offering potential for improved biodiversity to the location. As

such Officers conclude that the landscaping as proposed is welcome and acceptable with a condition attached to any approval notice issued with regards to a tree management plan in accordance with detail as outlined above and the applicants signing a Section 106 agreement in relation to landscaping to include detail as set out in paragraph 6.5.6 above.

- 6.5.10 In relation to landscaping and visual impacts the proposal is considered acceptable with consideration to the issues as discussed above and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy and Policies MD2, MD12, MD13 and S16 of the SAMDev and the NPPF in relation to landscaping and visual impacts. This landscaping also a considerable contributor to conclusions of no harm in relation to the overall historic setting of Rowley's House and Mansion and the surrounding Conservation Area and Officers view that as a consequence and bearing in mind the history of the site that there will be no harm to the historic environment.

6.6 **Highways and transportation.**

- 6.6.1 The applicants have submitted a Transport statement and this concludes that the Barker Street application site represents a suitable and sustainable location for a hotel & retail land use and its re-development would not result in any material detrimental effects on the immediate local transport network.

Furthermore, the location of the site offers excellent opportunities to encourage travel by sustainable, alternative travel modes to the private car. It considers that there are no overriding reasons for the refusal of planning permission for the proposals on highways and transportation grounds

- 6.6.2 Detail included in the amended Design and Access Statement indicates that existing vehicular serving routes to the site from Hill's Lane will be retained. A taxi 'drop-off' will be included at the existing car park entrance on Barker Street from which side along with the corner of Claremont Street, pedestrian access, with full consideration to disabled access and circulation into and within the development will be obtained. The application proposes retention of 27 parking spaces on site for public use with 4 spaces dedicated to disabled use. There are also 5 spaces reserved for the staff of the hotel and retail units. To encourage green travel and cycle usage in town, 15 Sheffield cycle hoops are proposed, 10 within the car park and 5 on the pavement, and the pedestrian route from Mardol/Hills Lane to Barker Street enhanced by the formation of a 'green corridor' adjacent to Rowley's House and Hill's Lane. Consideration has also been given to delivery vehicles and unloading facilities to the rear of the proposed building along with emergency vehicle access and refuge collection.

- 6.6.3 The SC Highways Manager raises no significant concerns in relation to the proposal indicating whilst it is acknowledged that there have been some local concerns regarding the scheme, the highway authority appreciate that the scheme is acceptable on highway and transportation matters subject to a construction traffic management plan and travel plan being attached to any approval notice subsequently issued. The section 106 agreement as discussed earlier in this report in relation to landscaping will also need to refer to the taxi drop off and pick up area outside of the building on Barker Street being controlled by way of a Traffic Regulation Order It is not considered that this development would give rise to any highway and pedestrian safety

concerns, and it is noted that the response from SC Highways Manager refers to other available car parking sites within the town, acknowledges future regeneration within the town as part of the Big Town Plan and also the extant planning permission that remains on the site.

- 6.6.4 It is acknowledged that loss of existing car parking has been raised as a material consideration by members of the public, along with the level of parking provision on the site. However, the site is located within the town centre, in a sustainable location within reasonable walking distance of public car parks and alternative modes of transport. The Travel Plan should seek to help in reducing car borne traffic to the site for both staff, visitors and customers. Further still as indicated above the site has an extant planning permission for development on site and was previously part of built development demolished in the 1930/60's and as such it has not been earmarked to be retained for such use in the long term.
- 6.6.5 On highways and transportation matters the application is considered acceptable and in accordance with Policies CS5 of the Shropshire Core Strategy and MD2, MD4 and S16 of the SAMDev and the NPPF in relation to transportation and access matters.
- 6.7 **Residential amenity**
- 6.7.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. The applicants have submitted a noise assessment, lighting assessment and waste management plan in relation to the proposal and these have been considered as part of the considerations in relation to the application. The noise report concludes that existing noise levels have been established for the site, and assessment made of the changes that can be expected as a result of the development. The façade of the Retail and Hotel units can readily achieve the identified appropriate design assessment criteria, resulting in no adverse noise impact to the hotel bedrooms from external noise sources. External plant noise limits have been identified however; the detail of plant items is not currently available. A condition has been proposed to enable appropriate control to be exercised over this matter as finalised plant information becomes available. The suggested condition indicates: "Details of external plant and noise control measures and the resultant noise contributions to the facades of nearby residential buildings shall be submitted for approval to the Planning Authority. Such noise control measures should be adequate to control noise contributions to a contribution level of Background noise (LA90) minus 10 dB(A) when assessed to the methods and procedures of BS4142:2014, including all relevant corrections. Such assessment shall consider typical daytime and night-time operating conditions of the plant and be confirmed by a qualified Acoustic Engineer and Building Services Engineer as reasonable and as expected.
- 6.7.2 The amenity of future occupants of the hotel and users of the 3 proposed retail units as well as occupants of surrounding businesses must have consideration as well as occupiers of surrounding residential units.
- 6.7.3 As such the Council's Regulatory Services were consulted on the application and they have responded indicating no objections recommending conditions be attached to any approval notice issued in relation to noise mitigation and

extraction systems in consideration of potential end users of the proposed 3 retail units and surrounding residential amenity.

- 6.7.4 On amenity issues in consideration of surrounding residential development businesses and end users of the development as proposed, the development is considered acceptable with conditions attached as recommended by the Council's Regulatory Services Manager in response to the application and in accordance with Policy CS6 of the Shropshire Core Strategy, Policy MD2 of the SAMDev and the NPPF on amenity matters.

6.8 **Drainage**

- 6.8.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing run-off rate and not result in an increase in run-off

- 6.8.2 The applicants have submitted in support of their application a flood risk assessment. The site covers approximately 0.3 ha and is located wholly within Flood Zone 1 based on the Environment Agency Flood Map for Planning, as such the development as proposed considered acceptable providing it does not cause an increase in drainage issues elsewhere. Surface and foul water discharge have been considered in accordance with the drainage and suds hierarchy.

- 6.8.3 The Council's Drainage Manager was consulted on the application and has responded indicating no objections to the principle, as the flood risk assessment and outline drainage strategy is generally considered acceptable. The response further indicates that in order to ensure a viable drainage strategy is available for the development, it must be demonstrated that Severn Trent will accept the proposed foul and surface water systems to their existing networks.

- 6.8.4 Severn Trent have made comment indicating no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 6.8.5 On drainage issues with a condition attached to any approval notice as recommended by Severn Trent in response to the application, the development as proposed is considered acceptable and in accordance with Policies CS5 and CS18 of the Shropshire Core Strategy, Policy MD2 of the SAMDev and the NPPF in relation to flooding and drainage matters.

6.9 **Economic and social benefits**

- 6.9.1 Paragraph 81 of the NPPF indicates that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It also requires that significant weight should be placed on the need to

support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 83 of the NPPF indicates that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

- 6.9.2 Policy CS3 refers to development in market towns and key centres, which will maintain and enhance their roles in providing facilities and services to their rural hinterlands and providing foci for economic development and regeneration, on an appropriately located mostly brownfield site.
- 6.9.3 Policy CS15 indicates that recognised town and key centres will be the locations for new retail, office and other town centre uses. As such the location for development in principle is considered acceptable.
- 6.9.4 The application proposes a mixed-use development consisting of an 83 bedroomed hotel on floors above 3 retail units which will occupy the ground floor on what is considered a brown field site on the edge of the main town centre retail and leisure district. The development as proposed will deliver a significant number of benefits to the community. The generic benefits include:
- Inward investment
 - Job creation
 - Economic impact

With regards to job creation, some of these will be short term through the development and construction phases and some will be permanent within the completed development. In addition to these jobs, there are existing jobs that will be protected and the local supply chain will benefit in terms of servicing the development once it is operational.

The project will also deliver a wide range of intangible benefits such as:

- Wider choice of hotel accommodation.
- Contribute to the night-time economy
- Bring back into built use a brown field site.

Whilst it is acknowledged that Historic England in response to the application indicated concerns regarding the application on heritage grounds and scale of development, they have indicated that clearly it is the authority's decision as to whether such a quantum of development is necessary to achieve a viable scheme in this town central location. The Council's Conservation Officer considers the development acceptable with no significant harm and Officers share this view and consider the relevant tests in the NPPF to be acceptable. It is considered whilst there are considerable public benefits the requirements of paragraph 196 of the NPPF in relation to the public benefits offered against harm are not engaged. Historic England do not suggest that any harm they have identified amounts to any substantial harm. The SC Conservation Team disagree with Historic England that the proposed development will cause any harm to the significance of the Conservation Area as a result of its impact of the new build elements upon its character and appearance. They consider that the proposed development will cause no harm to the significance of the Conservation Area. With reference to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, they consider that for the same

reason, and with reference to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, they likewise consider that proposed development will not affect the settings of any listed buildings.

6.9.5 The Case Officer having reviewed both responses and noting Historic England do not object outright to the application, share's the view as set out by the SC Conservation Manager. As such the criteria of paragraph 195 of the NPPF are not engaged, as it is considered that the development will not lead to any harm to the Conservation Area and its historic setting. Furthermore paragraph 196 is not engaged as it not accepted that any harm will be caused to the significance of the heritage assets. Notwithstanding that view the development will provide benefits to the town and with no harm, the development is in accordance with paragraph 197 of the NPPF.

6.10 **Other matters.**

6.10.1 Whilst it is accepted there are considerable objections to the application from members of the public, it is also acknowledged that there are also letters of support from the public. Matters raised and not covered above are referred to below.

6.10.2 Reference has been made to other sites better suited for the development. Each application is considered on its own planning merits in consideration of relevant local and national planning policies. It is considered that the location for the proposed development complies with these and will bring a hotel to a town centre site that will work well with the night-time economy that Shrewsbury has to offer as well as providing hotel accommodation suited to the business and tourism community.

6.10.3 Concerns have been raised about the necessity for more open space. It is considered that the site offers acceptable landscaping in relation to the development and setting of the historic environment and the location is in close proximity to the Town's Quarry Park.

6.10.4 Comment has been made about lack of consultation with the local community. It is understood the applicants have engaged with the Town Council and local bodies. Community engagement is encouraged, however it cannot be a basis on which to recommend refusal to an application.

6.10.5 Development considered a hideous design. This is a matter of judgment and personal opinion. This report has explained Officer considerations in relation to the impacts on the surrounding area and historic environment and it is considered the design is acceptable.

6.10.6 No need for retail units. The site is in a town centre location and proposes three retail units on the ground floor. This is considered acceptable given the location and does not trigger the requirement for a retail impact assessment in accordance with relevant local plan policies. It is understood no end users have yet been identified and the space would lend itself well to retail or office use.

6.10.7 It has been suggested that the development would be better suited to the 'Riverside development'. The proposed development has been considered in relation to relevant local and national planning policies and the principle of this development in this location is considered acceptable and in accordance with relevant planning policies.

7.0 **CONCLUSION**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 The application has generated much comment in relation to impacts on the historic environment and especially its suitability to the Conservation Area and listed buildings and their settings, most notably the Grade II* Rowleys House/Mansion. Whilst the comments as made by Historic England, (who have not indicated an outright objection), are noted along with those of Shrewsbury Town Council, The Big Town Plan and Shrewsbury Civic Society, the comments as made by the Council's Conservation Manager are also noted. It is considered that the Conservation Manager has carried out an extensive response to the application taking into consideration not only the location and impacts, but also the extant planning permission, revised designs as a result of further negotiations with the applicants during the application processing. Officers consider that the Conservation Manager has raised some very important key points and that the tests as set out in the NPPF with regards impacts are not engaged as the development on balance considered acceptable. Whilst comments by the Big Town Plan Partnership Board are noted with regards to its vision, which it considers a material consideration that provides the framework for the new Design Codes, these design codes are not yet formally adopted for planning purposes and thus do not form supplementary planning consideration and further still there is no master plan covering the area the site is located within. As such Officers are unable to give this any substantial weight as a material consideration in the planning process.
- 7.3 Overall with consideration to the surrounding built environment the scale and design along with the layout and landscaping as proposed subject to a Section 106 agreement as outlined in this report with regards to the landscape mitigation and enhancement are considered acceptable. There are no issues of concern in relation to biodiversity.
- 7.4 Many members of the public have raised concerns about loss of car parking, whilst it is appreciated the existing car parking area is close to the town centre and no doubt valued by users of the car park, it will not be totally lost as a provision in this area, the site is close to other car parking areas, and it must be acknowledged that this site was always marked for further built development as a replacement for development demolished during the 1930's and 1960's. The development in a sustainable location and in accordance with relevant local plan and national planning policies in relation to the principle for development on site. The SC Highways Manager raises no objections, subject to a construction traffic management plan and travel plan conditions being attached to any approval notice issued. Also as referred to in paragraph 6.6.3 above the section 106 agreement in relation to landscaping will also need to refer to the taxi drop off and pick up area outside of the building on Barker Street being controlled by way of a Traffic Regulation Order.
- 7.5 Matters in relation to drainage and residential amenity with the attachment of conditions is considered acceptable.

- 7.6 It is considered the development on site will bring about economic benefits and make a positive contribution to the town's overall economic economy, the site forming part of the town centre in what is considered a 'sustainable location' for development as proposed.
- 7.7 Taking all the material planning considerations and weighing them up against the relevant planning policies both in relation to the local plan and national planning policy and guidance, it is considered that the development as proposed is acceptable. It must also be recognised that the emerging Draft Shropshire Local Plan (2016-2038) can only receive limited weight as discussed by the SC Planning Policy in their response to the application as outlined in paragraph 4.9 above.
- 7.8 The recommendation is to delegate approval to the Planning Service Manager subject to a Section 106 agreement in relation to landscaping and the taxi drop off and pick up point as discussed in this report and the conditions as set out in appendix 1 attached to this report and any amendments as considered necessary to these conditions by the Planning Service Manager.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

- CS1 - Strategic Approach
- CS2 - Shrewsbury Development Strategy
- CS6 - Sustainable Design and Development Principles
- CS9 - Infrastructure Contributions
- CS13 - Economic Development, Enterprise and Employment
- Economic Development, Enterprise and Employment
- CS15 - Town and Rural Centres
- CS16 - Tourism, Culture and Leisure
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD4 - Managing Employment Development
 MD8 - Infrastructure Provision
 MD11 - Tourism Facilities and Visitor Accommodation
 MD12 - Natural Environment
 MD13 - Historic Environment
 National Planning Policy Framework
 Settlement: S16 - Shrewsbury
 SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

22/04028/FUL Proposed mixed use development to include 83 Bed Hotel and 3 No. Retail Units with associated Car Parking and Landscaping WDN 20th October 2022
 PREAPP/22/00730 Change of use of Pay and Display Carpark to proposed mixed use development to include an 83 bed hotel and 3 retail units with associated car parking and landscaping PREAIP 9th January 2023
 23/01422/FUL Proposed mixed use development to include 83 Bed Hotel and 3 No. Retail Units with associated Car Parking and Landscaping PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RSC189TDFWK00>

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) - Councillor Chris Schofield
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Local Member

Cllr Nat Green

Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions**

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, drawings and documents as listed in Schedule 1 below.

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

3. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

4. Prior to development on site details of planting pits, soil volumes and a 5-year management plan will be submitted to the Local Planning Authority and approved in writing with regards to soft landscaping and plantings associated with the development. This will be in-line with BS 8545:2014 "Trees: from nursery to independence in the landscape" recommendations". A specialist company in this field must be employed at an early stage to establish and confirm that the proposed tree planting is feasible in the chosen locations.

Reason: To ensure adequate landscaping in relation to development on site and its setting in the surrounding built environment.

5. No development shall take place until a noise mitigation scheme for any noise emitting plant and machinery, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure no observed adverse effect due to noise from the cumulative impact of any plant and or machinery associated with the proposed development. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained. Before any new noise emitting plant and or machinery is used on the premises other than as provided in the approved scheme, a further scheme evidencing the same matters shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be completed before the plant or machinery is first used.

Reason: To protect the amenity of the area and nearby residential properties

6. Prior to any works associated with establishing A3 use at the premises, details of the extraction system, including noise information of any components (e.g. fans) and details of odour abatement technologies, shall be submitted in writing to the planning authority for approval. The information must show where the extraction system will run including elevation drawings to show termination height. The approved system shall be installed in full and maintained according to the manufacturers' instructions in perpetuity. Approval shall be sought upon each significant change to the type of food being prepared and therefore this condition shall stand as long as A3 use is permitted on this site.

Reason: To protect the amenity of the area and nearby residential properties

7. Prior to the above ground works commencing samples and/or details of the external roofing materials and the materials to be used in the construction of the external walls and roof drainage detail 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 in consideration of the surrounding Conservation Area and setting of listed buildings.

8. 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 time scales. 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, and to ensure adequate consideration in relation to the surrounding Conservation Area and setting of listed buildings.

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

Reason: The site is known to hold archaeological interest.

10. Prior to the commencement of development a Construction Traffic Management Plan/Method Statement (CTMP/MS) shall be submitted to and approved in writing by the Local Planning Authority; the approved details shall be fully implemented and shall remain in force for the duration of the construction period.

Reason: In the interests of local amenity and highway/pedestrian safety.

11. Prior to the development hereby permitted being first brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and this shall be implemented on first use of the site as approved.

Reason: To promote sustainable travel opportunities and reduce car borne travel into the town centre.

Informatives

1. Severn Trent will not permit a surface water discharge into the public combined sewer, and recommend the applicant seeks alternative arrangements - please note, they would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

It may be beneficial for the Developer/Applicant to make contact with STW and look to submit a Development Enquiry for this development site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. It is best to visit their website:

<https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiry/> and follow the application form guidance to begin this process.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

2. Nesting birds

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 scrub removal and/or 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 if there are no active nests present should work be allowed to commence.

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

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

-



Committee and Date
 Northern Planning Committee
 7th November 2023

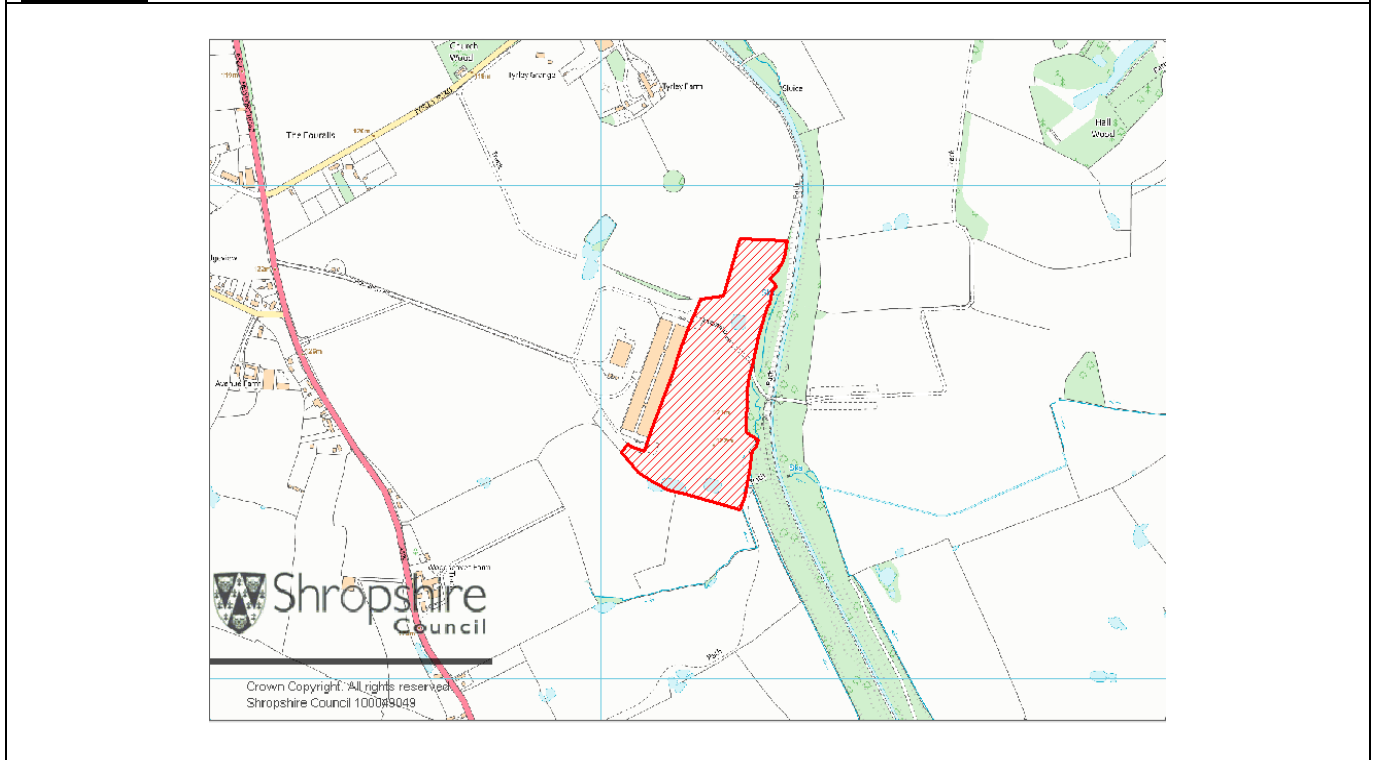
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 19/05127/EIA	Parish:	Sutton Upon Tern
Proposal: Construction of two poultry sheds, feed bins and associated ancillary works		
Site Address: Land South Of Hollins Lane Newport Road Woodseaves Market Drayton Shropshire		
Applicant: HLW Farms		
Case Officer: Kelvin Hall	email: kelvin.hall@shropshire.gov.uk	

Grid Ref: 368674 - 331691



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Recommendation: That planning permission is **refused** for the following reason

The planning application is accompanied by an Environmental Statement which includes an Odour Impact Assessment. It is considered that there are omissions in this assessment of such significance that insufficient reliance can be placed on its findings. The submitted details therefore provide insufficient information to demonstrate that the proposed development would not result in an unacceptable impact on residential and local amenity due to adverse levels of odour. The proposed development is therefore contrary to Core Strategy policies CS6 and CS17, SAMDev Plan policies MD2 and MD7b; and NPPF paragraphs 130 and 185.

REPORT

1.0 THE PROPOSAL

- 1.1 Planning permission for a poultry broiler unit at Hollins Lane was granted in 2015 (ref. 15/00924/EIA) and the operation commenced in 2016. At present the unit includes four poultry buildings, which are permitted to house up to 260,000 birds under an Environmental Permit. The current application seeks to add an additional four sheds to the site. These would take the form of two sets of linked buildings, as is the case for the existing ones. The proposed buildings would house approximately 232,000 birds (58,000 in each shed), on the same cycle as the existing ones. The buildings would be situated adjacent to the existing sheds. It should be noted that the proposed site has already been levelled for this purpose.
- 1.2 The poultry buildings would each measure 119 metres x 25 metres with a total unit length of 238 metres. Height to the eaves would be 2.64 metres and the ridge height would be 4.82 metres. The highest point would be the top of the fans at 5.41 metres. They would be of portal framed construction with insulated box profile metal sheeting to the walls and roofs. The walls would be finished in slate blue and the roofs in merlin grey colour to match the existing sheds. Air drawn from the sheds would be exhausted through 18no. ridge stacks for each of the four sheds. The proposed sheds would be fitted with heat exchangers in order to optimise energy efficiency. Each of the new poultry houses will be fitted with ammonia scrubbers, through which air would be drawn. It is also proposed that air scrubbers would be added to the eastern two existing poultry houses.
- 1.3 There would be four feed bins situated at each end of the buildings which would measure 6.6 metres in height and 2.8 metres in diameter. The buildings would be heated using the existing biomass boilers which are situated in the biomass building to the west of the existing building. Back up heating would be provided by LPG. The existing yard area would be extended to the ends of the buildings to provide access to all four buildings. Lighting on the site would be limited to a low-wattage, low intensity light above the openings to allow safe working during normal working hours during the winter. Additional lighting may be required during the removal of birds but this would be carried out in low light levels to minimise bird stress.

1.4 Proposed operation: The broilers would be brought in as day old chicks from a hatchery with the average crop cycle being 35-36 days plus the clean-out period which is 10 days on average. At the end of the growing period the birds would be collected and transported to a processing plant. This would result in around 7 crops per year. All manure arising from the proposed operation would be exported off site to an anaerobic digester plant or other licensed waste management facility.

1.5 Modifications to planning application since original submission:
Since the application was first submitted the following additional information has been submitted:

- Updated Landscape and Visual Impact Assessment
- Submission of Landscape Management and Maintenance Plan
- Revised Odour Impact Assessment
- Updated plans to show air scrubber units
- Updated Ammonia Emissions Impact Assessment
- Revised details of manure management
- Updated Transport Note
- Updated Ecological Appraisal
- Further drainage calculations and clarification
- Updated noise assessment
- Updated Environmental Statement

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located at the existing Hollins Lane poultry unit, which is approximately 2.5km to the south-east of Market Drayton, and approximately 500 metres to the east of the settlement of Woodseaves. The application site is approximately 8.5 hectares in size and includes the four proposed poultry buildings and associated infrastructure and ancillary buildings, and an area of proposed woodland planting to the east and south of the sheds. The existing poultry sheds are adjacent to the site, to the west, and beyond those is a biomass boiler building which houses eight biomass boilers to heat the buildings. Approximately 200 metres further west is the site for a battery energy storage facility for which planning permission was granted earlier this year. Other surrounding land is in agricultural use for the growing of miscanthus. Approximately 60 metres to the east of the site boundary is the Shropshire Union Canal which runs in a cutting. This section of the canal (over the Shropshire border) is designated as a Conservation Area and a Local Wildlife Site. The Tyrley Canal Cutting SSSI is approximately 330 metres to the south-east. Access to the site would be gained via the existing track which serves the poultry operation and which connects to the A529 to the west.

2.2

The nearest residential properties are those at Tyrley Farm and Tyrley Road to the north, approximately 440 metres away; and those along the A529 to the west, the nearest of which is approximately 530 metres away.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Sutton upon Tern Parish Council

Comments made 9/12/19: Strongly objects, as this is a doubling of the number of sheds on the site and the environmental impact such a development would have on the local amenity of the area. The application would also create additional traffic hindering walkers on Hollins Lane and the potential conflict/danger that would cause on the A529 already receiving a large amount of additional highway investment because it is so dangerous. The application would also have a detrimental effect on the environment particularly so close to the canal and the impact that will have on the areas flora and tourism.

However, if Shropshire Council is minded to grant permission some form of Section 106 agreement would be required for the applicant to invest in the reinstatement of the footpath/bridle way along Hollins Lane given the additional traffic that would be generated and the conflict between the traffic and walkers with additional investment into the junction onto the A529. An Environmental impacted assessment should also be commissioned by the applicant to minimise/reduce the developments impact on the areas ecology and 'green' tourism on the canal.

Comments on further information made 3/5/23: The Parish Council previous objections still stand in that the doubling of the size of the site and environmental impacts will have a detrimental effect on the surrounding area and its population. The Parish Council is also not entirely convinced that proposing some ammonia removal filtration system will reduce the output into the atmosphere. Also given the local and national impacts of the substantial growth of intense poultry units across the country with run off of waste placed on farmland affecting water courses then the Parish Councils OBJECTION still stands.

The application is further compromised by the claimed route which is currently with The Planning Inspectorate (ROW/3308466) awaiting the appointment of an Inspector to determine the appeal in 2023. As the application is so close to the County Boundary between Shropshire and Staffordshire a view from neighbouring authorities would also be very welcome.

4.1.2 Environment Agency

Comments made 25/5/23 following submission of further information: The application now proposes additional infrastructure in the form of acid scrubbers to treat some of the ventilated air leaving the poultry farm (both within the two proposed additional units and two of the existing) in order to reduce odour and ammonia emissions. 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. We would not therefore

comment on the efficiency of such infrastructure or whether this new ventilation design would be odour abatement ready. These are matters for your Council to consider and assess where appropriate as part of your planning application determination.

We are likely to consider odour impact through the Environmental Permit (EP) variation process and/or through the compliance/enforcement of that regulatory regime.

Manure Management: Manure disposal within the applicant's ownership (fields) is controlled through the EP. As part of the permit determination, we do not require a Manure Management Plan. However, EP holders are required to operate under 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 applicant's 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." Intensive farming: comply with your environmental permit - GOV.UK (www.gov.uk)

As mentioned previously, we do regulate any pollution to water from manure storage or spreading. We also regulate Nitrate Vulnerable Zone (NVZ) compliance. This is undertaken as part of a farm visit or any potential notified operational breach.

In terms of manure management, the application proposes that additional manure from the proposed poultry sheds will be sent to a regulated anaerobic digestion (AD) plant. The AD facility is at a different farm and is managed by a different legal entity to the poultry farm. As the receiving AD facility is subject to an EP, we would control emissions associated with such to land, air and water. Any wider disposal from that facility may be subject to a deployment/digestate spreading 'permit to land spread' or use as product (PAS compliance).

Environmental Permit: The increase in number of birds at this site will require a variation to the existing permit. While a permit variation application was initially received back in February 2020, further information was requested to support this. To date no subsequent variation has been received.

Complaints: We have received a large number of odour complaints from a single sensitive receptor at this location. We have not been able to substantiate any of these complaints however we have only carried out monitoring on a small number of occasions. It is likely that the gardens of the dwelling (external areas) are mainly impacted during times when cooler (denser) air descends to ground level for example late evenings, night times to early mornings. At other times of the day when the air is warmer and rising, the high velocity roof fans will disperse the odour sufficiently for it not to become a nuisance.

An Odour Management Plan (OMP) and Noise Management Plan (NMP), as required under the EP, should help reduce emissions from the site, but it will not necessarily

completely prevent all odour and noise. 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.

Previous comments 19/12/19:

The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents. The Environmental Permit (EP) 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.

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'](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/g_eho0411btra-e-e.pdf) (available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/g_eho0411btra-e-e.pdf) explain the methods the operator should use to help minimise and manage these emissions.

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, silage, 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>

4.1.3 **Natural England** No comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

4.1.4 **SC Ecologist**

Comments made 28/6/23 following submission of further information:

No objection. Conditions have been recommended to ensure the protection of designated sites, irreplaceable assets and protected species and to provide ecological enhancements under NPPF, MD12 and CS17.

Ecological Appraisal: An up-to-date Ecological Appraisal has been submitted and the ecology team concur with the conclusions and recommendations of this report.

Ammonia emissions: Ammonia emissions and nitrogen deposition upon sensitive sites has been assessed in 'Hollins Lane, Woodseaves, Ammonia Emissions: Impact Assessment, Report Ref 01.0101.006 v1' by Isopleth dated January 2023.

The following BAT measures are proposed:

- Ammonia scrubber retro-fitted to two of the existing poultry buildings at Land South of Hollins Lane, Newport Road, Woodseaves
- Ammonia scrubbers fitted on the two proposed poultry buildings at Land South of Hollins Lane, Newport Road, Woodseaves

Information from the air quality report regarding existing and proposed ammonia emissions and nitrogen deposition upon designated sites is shown below.

ECO 2 & 3 BURNT WOOD SSSI

Maximum Existing Process Contribution % of Critical Level: 1.4%

Maximum Proposed* Process Contribution % of Critical Level: 1.1%

Change in Critical Level from existing to proposed: -0.003 ug/m³

Existing Process Contribution % of Critical Load: 1.1%

Proposed* Process Contribution % of Critical Load: 0.8%

Change in Critical Load from existing to proposed: -0.023 kg/ha/yr

ECO 4, 5, 6 & 7 THE DINGLE ANCIENT WOODLAND

Maximum Existing Process Contribution % of Critical Level: 10.6%
Maximum Proposed* Process Contribution % of Critical Level: 7.1%
Change in in Critical Level from existing and to proposed: -0.035 ug/m3

Existing Process Contribution % of Critical Load: 8.3%
Proposed* Process Contribution % of Critical Load: 5.5%
Change in Critical Load from existing to proposed: -0.278 kg/ha/yr

* proposed scenario with emission factors for the existing and proposed poultry units with ammonia scrubbers fitted.

The modelling shows that the proposal will result in a betterment to the existing ammonia and nitrogen process contribution at all the sites scoped in for assessment. This is considered acceptable.

It is noted that an in-combination assessment is not required as the proposals do not give rise to any residual effects, i.e. there is a betterment in terms of the reduction of ammonia from the existing to the proposed situation.

Recommended conditions: It is recommended that conditions are added to require: submission of contingency measures in the event that operation of one or more of the scrubbing units is not possible; submission of evidence that air scrubbers have been installed; use of air scrubbers at all times; bird numbers limited to 232,000; appointment of Ecological Clerk of Works; erection of bat and bird boxes.

- 4.1.5 **Historic England** Does not wish to offer any comments. Suggests that the views of the Council's specialist conservation and archaeological advisors are sought, as relevant.

Further information:

Thank you for your letter of 25 April 2023 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

- 4.1.6 **SC Conservation** The proposal site lies adjacent the Shropshire Union Canal and Hollings Bridge (number 58) which is grade II listed building, where these heritage assets lie just over the border within Newcastle under Lyme Borough, Staffordshire. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

Having consulted the submitted Heritage Statement by Richard K Morriss and the Visual Assessment (photos 3 and 4 in particular), it is considered that the proposal would have a negligible impact upon the setting of the relevant heritage assets (Hollings Bridge and the Shropshire Union Canal Conservation Area), where there is a degree of existing screening in the form of existing trees and vegetation along the embankment, where the canal sits within a deep cutting. Whilst there is disagreement with the concluding statements of the Heritage Statement in terms of 'no impact/no harm', there are no principle objections subject to conditions with regards to further supplementary landscaping, such as the construction of a bund type structure in order to safeguard long-range views into the site.

4.1.7 **SC Archaeology** No comments to make.

4.1.8 **Shropshire Council's landscape consultant**

Executive summary: The LVIA concludes that the proposed development will lead to one beneficial landscape effect, 3 adverse landscape and visual effects, 8 negligible effects and 2 no effects. None of the effects are predicted to be significant.

Our review concludes that the assessment of landscape and visual effects has been carried out to a robust and compliant standard for an EIA project, and that its findings may be relied on in making an informed planning decision.

All recommendations made in our previous reviews have been adequately addressed and we consider that the proposed development will not lead to unacceptably adverse effects on landscape and visual amenity, and complies with Local Plan policies on landscape and visual amenity.

Conclusions & Recommendations: The assessment of landscape and visual effects has been carried out to a compliant standard for an EIA project in accordance with GLVIA3. None of the effects are predicted to be significant and the findings of the LVIA are set out below:

	At completion	After 5 years
Landscape effects		
Vegetation of the Site and its boundaries	Negligible	Slight Beneficial
Landform of the site	Slight adverse	
Principal Settled Farmlands	Negligible	
Sandstone Hills and Heath	Negligible	
Visual effects		
Users of PRoW 0228/1/2 and PRoW 0228/1/1	Moderate adverse	Slight adverse
Users of PRoW 57 and PRoW 0204/2/2	No effect	
Users of Tyrley Road	Negligible	
Users of A529	Negligible	
Residents of Woodseaves Grange	Negligible	

Residents of Woodseaves Farm and properties near its south	Negligible
Residents of properties east of the Shropshire Union Canal	No effect
Residents of Tyrley Road and Upper Castle Barn	Negligible

All outstanding recommendations from our previous reviews have been satisfactorily addressed and we consider that the proposed development will not lead to unacceptably adverse effects on landscape and visual amenity, and that it complies with Local Plan policies on landscape and visual amenity

4.1.9 **Ministry of Defence – Defence Infrastructure Organisation** Recommends a condition.

The application site is approximately 5.04km from the centre of the runway at RAF Ternhill and falls within the birdstrike statutory safeguarding zone surrounding RAF Ternhill.

Birdstrike: Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large or flocking birds close to the aerodrome. The principal concern of the MOD with this development is the extension to the attenuation pond which has the potential to attract and support hazardous flocking birds such as gulls and other bird species. Therefore, the MOD has concerns that this has the potential to increase birdstrike risk to aircraft safety at RAF Ternhill.

To address the potential of the development to provide a desirable habitat, or spaces for hazardous birds a condition for the submission of a bird hazard management plan is required to prevent the breeding and nesting of gulls and other bird species. To prevent access to the water, the attenuation pond will need to be surrounded by goose proof fencing and dense emergent vegetation.

MOD requests that a condition is imposed to require that a Bird Hazard Management Plan is submitted for approval.

4.1.10 **Ministry of Defence – Defence Infrastructure Organisation No objections.**

The application site is situated 4.5km north east from the end of runway 22 for Ternhill airfield. Ternhill airfield is a relief training ground for the Defence Helicopter Flying School based at RAF Shawbury, as well as providing support for Chetwynd and Nesscliffe Training area.

The county of Shropshire as well as parts of adjacent counties is designated by the Ministry of Defence as Low Flying Area (LFA 9), an area utilised for dedicated training of military helicopter crew which requires intensive low-level flying activity. At Tern Hill, RAF Shawbury and associated training areas (Chetwynd and Nesscliffe) routine activity includes extremely low flying and manoeuvring, helicopters remaining operational (rotors turning) for extended periods after landing and helicopters hovering

at full power for several minutes at a time (occasionally between 5 and 10 minutes). This activity, in support of front-line activity, produces a significant amount of low frequency noise which can be disturbing. This low-level helicopter activity tends to be scheduled between Monday and Friday, from 8.30-5pm though night flying is carried out from this airfield. Night Flying operations tend to be completed by 2am though it should be noted that 24-hour flying may occur on any day of the week where operationally required.

On reviewing the submitted noise assessment, it relates to the original 2013 planning application prior to the units being in situ. The report primarily addresses the proposed noise from the development and only references highway noise as an external environmental factor and not military air traffic.

The MOD advises the development will be exposed to noise from aircraft activities at Ternhill airfield. The MOD would not accept responsibility for any losses caused by aircraft, training or any associated activity or noise. This is on the basis the applicant (and successors in title) would be deemed to have full knowledge of the immediate location, including the location of the application site in context to RAF Shawbury and the general nature of training activity taking place.

Please note this development also occupies the statutory aerodrome and birdstrike safeguarding consultation zone surrounding Tern Hill airfield. Therefore, my colleagues within the DIO Safeguarding Team as statutory consultees will be submitting their comments independently.

4.1.11 **Canal & River Trust** Recommends conditions.

The main issues relevant to the Trust as statutory consultee on this application are:

- a. Implications for the stability of the canal cutting
- b. Implications on water quality
- c. Protection of heritage assets
- d. Protection of biodiversity

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters.

Land instability and drainage The Trust has reviewed the further clarification on land stability and drainage matters provided within the agent's email of 9th September 2023 and notes that the plan indicates no run-off will enter the canal due to the existing ditch between the SUDS pond, the drainage system and the canal. We therefore raise no further concerns regarding the details contained therein, and request the use of suitable compliance-style conditions relating to these submissions on any forthcoming planning consent. This would accord with Policies CS6 (Sustainable Design and Development Principles) and CS18 (Sustainable Water Management) of the Shropshire Core Strategy 2011 and policies MD2 and MD12 of the Shropshire Council (SAMDev) Plan (2015).

Water quality The Trust has reviewed the further clarification regarding water quality matters provided within the agent's email of 9th September 2023 and notes the proposed provision of pit sumps to further control sediment and prevent pollution. We therefore raise no further concerns to the details contained therein, and request the use of suitable compliance-style conditions relating to these submissions on any forthcoming planning consent, to accord with Policies CS6 (Sustainable Design and Development Principles) and CS18 (Sustainable Water Management) of the Shropshire Core Strategy 2011 and policies MD2 and MD12 of the Shropshire Council (SAMDev) Plan (2015).

Regarding the potential for contaminated surface water runoff during construction and before the drainage system is installed, the Trust also continues to recommend submission of a CEMP outlining suitable water quality mitigation measures during construction and operation. It is noted that the applicant is agreeable to the application of a planning condition to this effect, upon which we request to be consulted further so that we can advise the Council on the adequacy of measures proposed to protect the waterway network during construction and thereafter operationally. These requests accord with Policies CS6 (Sustainable Design and Development Principles) CS17 and CS18 of the Shropshire Core Strategy 2011 and policies MD2 and MD12 of the Shropshire Council (SAMDev) Plan (2015).

Heritage Further to comments included within our responses of 9th June and 31st August 2023 the condition of listed bridge 58 is unchanged since our initial response. It does not appear to be identified for use within the application submissions but for the avoidance of doubt we continue to request that no HGV access to the site via this bridge be conditioned within any future planning consent. This accords with Policy CS6 (Sustainable Design and Development Principles) of the Shropshire Core Strategy 2011 and Policy MD13 (Historic Environment) of the Shropshire Council (SAMDev) Plan (2015).

Biodiversity Further to comments included within our responses of 9th June and 31st August 2023, the Trust welcomes the submission of an updated Ecological Assessment and Landscape Management details and notes that the 10-year management plan appears sufficient. We therefore request the use of suitable compliance-style conditions on any forthcoming planning consent, to accord with Policy CS6 (Sustainable Design and Development Principles) of the Shropshire Core Strategy 2011 and policies MD2 and MD12 of the Shropshire Council (SAMDev) Plan (2015).

4.1.12 **SC Public Protection**

Comments 26/10/23

The report submitted by Michael Bull and Associates and also the response provided by Isopleth has been reviewed.

Dr Bull has raised some very detailed points regarding the Odour assessment modelling methodology and there appears to be some queries he has raised that may

not have been fully answered but Dr Bull would be best placed to respond to this. While I have reviewed the odour assessment report and have accepted the method used and assumptions made by the experts in the reports submitted, it should be noted that I am not a specialist in this field.

Dr Bull and Mr Stouling both have a specialist knowledge in odour assessment for such processes and a detailed understanding of the modelling methodology, indeed they were both involved in the writing of the IAQM guidance. Recent appeal decisions have raised detailed queries regarding how effective the recognised modelling process is at assessing likely odour impacts. This is a very specialised area and Environmental Protection does not have the expertise to comment in detail on the modelling methodologies discussed in the expert reports and at the appeal hearings. It is recommended that the Environment Agency would be better placed to comment in this regard as the statutory consultee and regulatory authority for the Environmental Permit.

Nonetheless Dr Bull does raise a significant point that should be taken into consideration. He highlights that the IAQM guidance recommends that at least two methods of assessment are used to provide a comprehensive assessment and the guidance also states that where the source exists, considerable weight should be given to observational methods such as sniff testing and complaints analysis.

Mr Stouling seems to be suggesting that the monitoring carried out within the existing sheds represented the sniff testing to which Dr Bull was referring. However, my interpretation of the guidance and Dr Bull's comments is that this is recommending sniff test monitoring is carried out at locations representative of receptors and that an analysis of the complaints history should also be presented. As there are currently 2 existing poultry sheds and a history of complaints, also considering the IAQM guidance and the recent appeal hearings it would seem prudent to consider such assessments.

It is recognised that the 150 odour complaints from one receptor have not been verified. It should however be highlighted that the Environment Agency have only been able to attend to monitor on a handful of occasions and therefore while the complaints have not been verified, they have also not been invalidated.

Comments 21/9/23

The revised noise report has assessed the potential noise impact with the proposed air scrubbers included. The assessment concludes that noise from the extraction fans and air scrubbing units are not likely to have an adverse impact on the nearby sensitive receptors. It should be noted this assumes a fan with a sound pressure level of 68dB (LpA) at 2m, the report highlights that the choice of fan model is currently not fixed however it should be noted that alternative fans must be selected to achieve the same noise limits. Previous reports had assumed ridge fans with a higher sound pressure level of 70dB (LpA) at 2m.

The report states that all vehicle movements associated with de-population will occur between 0200-0700hours. As highlighted in Environmental Protections previous comments the increase in HGV movements to 32 movements per hour during de-

population is likely to have an adverse impact on nearby receptors particular the property at the site entrance which is located just 30m from the entrance although this will only occur for 1night at the end of each flock cycle and occur approximately 7 times a year.

Comments 6/7/23

Odour: A revised odour report (Isopleth report dated January 2023 ref: 01.0101.006/Odour v1) has been provided which uses monitoring data from the existing poultry sheds to model likely cumulative odour emissions from both the existing poultry units and the proposed additional units. The odour report models the cumulative impact of the existing and proposed development with the proposed mitigation in place. The proposed mitigation is for scrubbers to be fitted to all new poultry buildings and also retrofitting scrubbers to one of the 2 existing poultry buildings, the remaining will operate as existing. The scrubbers will reduce the ammonia emissions and technical data indicates that it is predicted to reduce odour by 40%.

The model results are presented as the 98th percentile of hourly average concentrations of odour (ouE/m³), these values take into account the metrological data from the entire cycle including the days of peak emissions. This methodology is in accordance with the institute of Air Quality Management (IAQM) guidance on the assessment of Odour for planning and the Environment Agency's H4 guidance on Odour Management.

The IAQM guidance provides the following guidance on classifying the impact of odour from intensive agricultural facilities as;

- 'negligible' at, or below 3 ouE/m³ as a 98th percentile of hourly means; or
- 'slight adverse' from 3 ouE/m³- 5 ouE/m³ as a 98th percentile of hourly means; or
- 'moderate adverse' impact above from 5 ouE/m³ as a 98th percentile of hourly means.

The H4 guidance uses of installation-specific exposure criteria based on the 98th percentile of hourly average concentrations of odour modelled over a year at the site/installation boundary. The benchmarks are: 1.5 odour units for most offensive odours; 3 odour units for moderately offensive odours; 6 odour units for less offensive odours.' Intensive livestock rearing is generally classified as moderately offensive.

As highlighted in Environmental Protection's previous comments (dated 10th February 2020) the threshold of 3 odour units at nearby sensitive receptors is the maximum limit that this service considers as acceptable to ensure that section 185 of the NPPF are adhered to and the amenity of sensitive receptors is protected.

The assessment indicates that the proposed additional poultry sheds will result in an increase of the 98th percentile of hourly average odour concentrations measured as ouE/m³ of between 0.1 and 1.2 ouE/m³. The 5 year average modelled odour concentration at the closest receptor, is predicted to be 2.9 ouE/m³ as a 98th percentile of hourly means. This is just below 3ouE/m³ which is the maximum threshold that is

considered acceptable to meet the requirements of the NPPF. (It should be noted that this is an average of the 98th percentile so this does take account of the peak levels).

It should be noted that the existing poultry sheds hold an environmental permit, regulated by the Environment Agency and the proposed expansion will require a variation application to be submitted for approval. Environmental Permitting guidance recommends that the permit applications and planning consents are twin tracked to make the process more efficient, both for the applicants and regulators.

Paragraph 188 of the NPPF makes it clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

The environmental Permit regime is designed to prevent pollution, the Environmental Permitting Regulations define pollution as:

“pollution”, other than in relation to a water discharge activity or groundwater activity, means any emission as a result of human activity which may—

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) impair or interfere with amenities or other legitimate uses of the environment;

This definition suggests that you could assume this means impacts on the amenity such as odour and noise will be adequately regulated by the permit. Para 188 of the NPPF makes it clear that we should assume the permit is effectively regulated and should not be imposing conditions for the purpose of controlling emissions that are regulated by the permit, this includes emissions to air, water or land and emissions of odour and noise.

The only exception is where impacts might occur as a result of the development but are not within the boundary of the environmental permit and therefore would not be controlled by the permit. For example, if the development results in increased traffic flows that may impact on surrounding properties or where muck from an agricultural use is spread off site and hence may have an impact on the surrounding area. These issues may make a site unsuitable for the development.

This application indicates that additional manure from the poultry sheds will be sent to a regulated anaerobic digestion plant, emissions from such plant will also be regulated by the Environmental Permitting regime and therefore EP do not have concerns regarding offsite environmental impacts due to manure disposal.

- 4.1.13 **SC Highways Development Control** No objection. The site benefits from an access onto the A529 within the 40 mph speed limit that was constructed in connection with the biomass building and provides a 8 metres wide access with 10.5 metres junction radii. The access therefore has been constructed to a highway standard and provides visibility in both directions commensurate with DMRB standards.

As part of application 15/00924/EIA, two broiler units were constructed and the current application seeks a further two broiler units. A Transport Assessment has been submitted in support of the application and sets out the vehicle movements based upon the existing and proposed development. Overall the development would increase the capacity from 260,000 to 464,000 broilers operating over a 46 day cycle period.

The current development permissions include the routing of all HGV traffic travelling via the A529 southwards to the A41 at Hinstock and this is to remain the approved routing of all HGV traffic.

Whilst clearly the proposed development would increase HGV traffic movements significantly, it is considered that the highway network can adequately cater for the level of traffic movements anticipated. Moreover, it is considered that a highway objection would not be warranted on the grounds of traffic volume or highway safety. Highways therefore raise no objection to consent being granted.

- 4.1.14 **SC Drainage** No objection. The submitted drainage proposals are acceptable from a flood risk perspective.
- 4.1.15 **SC Rights of Way** The Council have a formal application on file to add a public bridleway along Hollins Lane which needs to be investigated. The applicant is advised to contact the Mapping & Enforcement Team to discuss the matter further. In respect of the planning application, the claimed route is already affected by the existing buildings therefore if an order is recommended to be made then it will require a subsequent diversion if successful.
- 4.1.16 **Fire and Rescue Service** As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications". Further advice has been provided which can be included as informatives on the decision notice.
- 4.1.17 **Newcastle-under-Lyme Borough Council (adjacent authority)** No comments received.
- 4.1.18 **Staffordshire County Council (adjacent authority)** The development area measures 1.67 hectares for an extension to two existing poultry units. There are no objections to the proposals from the perspective of an adjoining minerals and waste planning authority because the site does not fall within a consultation zone associated with any permitted mineral or waste site in Staffordshire. Given the nature of the proposals and the risk of odour, however, Shropshire should consult Newcastle under Lyme Borough Council's Environmental Health (EHO) and Planning Teams so they can comment on the potential visual and air quality/ odour impacts.
- 4.1.19 **Stafford Borough Council (adjacent authority)** No comment to make in respect of application reference 19/05127/EIA, other than to suggest that, if not already consulted, the views of Staffordshire County Council should be sought in respect of

highways/transport impacts, public rights of way and landscape/visual assessment.

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition 57 properties in the local area have been directly notified. Objections have been received from twelve individuals. There has been one letter of support. The full representations can be viewed on the planning register, and a summary of the concerns raised is below.

4.2.2 Objection comments:

- Adverse effect on landscape
- Increased traffic
- No business case for expansion
- Will double the pollutant emissions; impact on health
- Unacceptable odour levels
- Odour model is out of date
- Many complaints made about odour
- Closer to SSSI, Wildlife Site and Conservation Area/Canal Waterway
- Impact on Conservation Area and SSSI and listed buildings
- Impact on listed buildings due to odour
- Impacts on ecological sites from ammonia
- Need to consider cumulative ammonia levels
- Increase in nitrous oxides, dust and particulates
- Odour and dust impacts of shed clearing have not been assessed
- Additional noise
- Flies and rats
- Incomplete traffic information
- Traffic assessment underestimates traffic
- Impact on pond
- Pollution of canal
- Impact on water borehole
- Rainwater contaminated with silt/soil has been entering brook and canal since development started
- Unauthorised ground engineering works
- Approved earthworks were never completed in accordance with approved drawings
- Works have resulted in instability of the canal banks with rainwater polluted by orange clay which kills fish
- Pollution from spreading of manure; health impacts of this
- Increased risk of bird flu
- No demonstrable economic benefit to the locality
- Would not be carbon neutral

4.2.3 In addition a Review of Odour Assessment has been submitted by Michael Bull & Associates, a consultant in air quality and odour assessment, on behalf of Tyrley residents.

- The odour assessment uses a well established modelling technique to predict odour concentrations at nearby receptors. The approach to determining the

odour emission rates is considered to be of high quality but limited to measurement at the peak of the rearing cycle

- Assumptions have been made for other parts of the cycle based on published sources. However, the higher odour emissions from clearance of the housing and thinning have not been included in the assessment, this is a significant omission.
- The report erroneously quotes two references to justify potentially less stringent odour standards; neither contain any justification for a lower standard and one paper suggests the opposite; due to this, there is less confidence in other third party sources relied on in the assessment
- The result suggest a marginal compliance with the adopted odour standard of 3.0 ouE/m³ as a 98th percentile of hourly means although there was one exceedance observed at one receptor for one year modelled
- Assessment has excluded any consideration of emissions during thinning and house clearance. Although these are not suitable to be included in the type of dispersion modelling undertaken, they should have been considered when discussing the outcome of the modelling.
- The modelled result for the existing case does not accord with the community's own observations of odour and the level of historic odour complaint relating to the operations at the site; the existing complaints are not mentioned in the assessment; the IAQM guidance states that considerable weight should be given to observational methods of assessment when the source exists; observational methods include complaints analysis and sniff testing; the IAQM method also recommends that at least two methods of assessment are used to provide a comprehensive assessment which has not been undertaken.
- Given the existing level of complaint and the discrepancy with the results of the odour modelling it is apparent that the results of the assessment cannot be relied on without further investigation. Sniff testing would be an ideal approach to investigate the impact during thinning and house clearance and to determine whether the results of the modelling are a reasonable assessment of the odour impacts of the housing in normal operation.
- Given that the complaints evidence suggests that the current operation of the site results in unacceptable odour impacts and the Isopleth assessment concludes that odour exposure will increase, on the basis of the current evidence it can be reasonably concluded that the proposed development will exacerbate an already unacceptable odour environment

4.2.4 The reasons of support are as follows:

- Noise and odour impact would be controlled, and within acceptable limits
- Minimal impact on the locality
- Support expansion of the local business if controls are in place
- Location of sheds adjacent to existing ones is appropriate

5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
 - Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character

- Historic environment considerations
- Residential and local amenity considerations
- Traffic, access and rights of way considerations
- Ecological considerations
- Impact on water resources

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 The planning application is accompanied by an Environmental Statement which has been prepared as the proposal is classed as Schedule 1 EIA development under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 due to the number of birds that would be housed as part of this intensive livestock unit.

6.2 Planning policy context; principle of development

6.2.1 Planning applications are required to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In terms of the Development Plan, Core Strategy policy CS5 provides support for appropriate development within the countryside, which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural-related development. Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.

6.2.2 The National Planning Policy Framework (NPPF) is a material planning consideration to be taken into account in the determination of this application. It states that planning decisions should help create the conditions in which businesses can invest, expand and adapt; and that significant weight should be placed on the need to support economic growth (para. 81). In terms of rural areas, the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of businesses, and the development and diversification of agricultural and other land-based rural businesses (para. 84). The NPPF sets out a presumption in favour of sustainable development, which has three overarching objectives: economic, social and environmental.

6.2.3 The proposal represents the expansion of an existing established rural business which has been operating since 2016. It would involve significant investment in the enterprise and would support jobs not only directly but also through the increased use of supporting industries. The proposal would therefore make a positive contribution to the rural economy. It is considered that the proposal would bring about economic and social benefits for which there is support under national and local planning policy.

6.2.4 Core Strategy CS5 states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental

impacts, and this is discussed in sections below.

6.3 Siting, scale and design; impact on landscape character

- 6.3.1 Core Strategy policies CS6 and CS17 seek to ensure that development is appropriate in scale and design, and 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 CS6 states that development should take into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate, and that development will be designed to a high quality using sustainable design principles. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings.
- 6.3.2 Siting and alternatives: The acceptability of the use of this area for poultry rearing has already been established through the existing planning permission. The proposed extension would utilise existing infrastructure such as access roads and attenuation ponds. The proposed development would also incorporate improvements to the existing operation through the installation of air scrubbers to two of the existing sheds. In addition the siting adjacent to the existing sheds has the potential to maximise operational efficiency of the business.
- 6.3.3 Landscape and visual impacts: A Landscape and Visual Impact Assessment (LVIA) has been undertaken as part of the EIA. This also takes into account the proposed mitigation plan which is being proposed, and which includes approximately 3.2 hectares of tree and shrub planting on the eastern and southern parts of the site, with approximately 8800 plant being proposed. In terms of visual receptors the LVIA considers that there would be a '91moderate adverse' impact on users of the public footpath which runs around the south-eastern boundary of the site, but that this would reduce to 'slight adverse' as screening vegetation establishes. It should be noted as well that this public right of way terminates at the Shropshire/Staffordshire border and therefore the significance of this path in the network is limited. It is considered that the mitigation planting is likely to have a significant benefit in the long-term, both visually and ecologically. The LVIA concludes that the proposed development would have no significant effects on any of the landscape of visual receptors assessed.
- 6.3.4 The Council's landscape consultant considers that the updated LVIA has addressed previously raised comments and that the proposal would not lead to unacceptably adverse effects on landscape and visual amenity. A 10-year Landscape Management and Maintenance Plan has been submitted and this sets out what works would be undertaken to ensure the successful establishment of the proposed landscape and ammonia mitigation planting, and this can form part of the approved documents should permission be granted.
- 6.3.5 Sustainable design matters: The proposal incorporates sustainable drainage techniques to minimise pressure on the water environment, and proposes that heating

would be provided by biomass boilers rather than conventional gas supplies. The proposal also incorporates air scrubbers which would remove significant quantities of ammonia from the process. It is considered that the proposed design incorporates appropriate sustainable principles in line with policy CS6.

- 6.3.6 Impact on canal: The proposed development is situated in proximity of the Shropshire Union Canal to the east. The potential impact of the development on the canal has been considered in detail by the Canal and River Trust and, following the submission of further clarification and information, they have confirmed that they raise no objections subject to the imposition of a number of planning conditions. These can be added to the decision notice if permission is granted, and are included in the listed of recommended conditions in Appendix 1 below.

6.4 Historic environment considerations

- 6.4.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.
- 6.4.2 A Heritage Impact Assessment (HIA) has been submitted and this identifies that the nearest listed building is the Grade II listed Hollings Bridge across the canal cutting to the east, but that this cannot be seen from the site. The HIA considers that the proposed development would have no impact on the character or setting of the listed bridge. In terms of the canal itself, this part is designated as a Conservation Area. The canal runs in the bottom of a deep cutting with wooded slopes either side, and the HIA considers that the proposed development would have a neutral impact on the character, setting or significance of the Conservation Area, even without the proposed tree planting. The HIA concludes that the proposed development would have either no impact on, or cause no harm to, the character, setting or significance of any designated or non-designated heritage assets.
- 6.4.3 The Council's Historic Conservation Officers considers that the proposal would have a negligible impact upon the setting of relevant heritage assets. It is acknowledged that the impact of odour on the setting of a listed building is a relevant consideration. In terms of listed buildings in the area, these include the listed bridge referred to above, a Grade II listed direction post approximately 470 metres to the north-east, another Grade II listed canal bridge approximately 535 metres to the north-east, and a number of Grade II listed cottages and locks approximately 750 metres to the north. Having taken account of the findings of the odour impact assessment in particularly regarding the level and frequency of potential odour emissions, and the location and type of listed buildings, it is not considered that the setting of listed buildings would be adversely affected by odour.
- 6.4.4 Taking into account the comments of the Council's Conservation Officer on the findings of the HIA it is considered that the requirements of section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 – that special regard is given to

the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of the Conservation area - have been met and the proposal is in line with policies CS17 and MD13.

6.5 Residential and local amenity considerations

6.5.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

6.5.2 **Environmental Permit:** The poultry operation takes place under an Environmental Permit which was issued by the Environment Agency (EA). The EA has advised that the proposed expansion of the operation would require a variation to this Permit to allow an increase in the number of birds at the site. The EA has confirmed that the Permit would control the day-to-day elements of the operation, including site management, operations and emissions, including those of odour and noise. This is therefore a separate regulatory regime which controls the day-to-day running of the poultry operation. Paragraph 188 of the NPPF states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions. Furthermore, that planning decisions should assume that these regimes will operate effectively. Nevertheless the EIA regulations require that likely effects of the development on the environment are identified and taken into consideration in the decision-making process. These effects will include matters that are also regulated by the EA. In addition, planning policy including the NPPF require that planning decisions should take account of the likely effects of pollution on living conditions.

6.5.3 **Manure management:** It is proposed that manure arising as part of the proposed operations would be removed from the site and taken to an anaerobic digester (AD) plant for processing or other licensed waste management facility, and would not be spread on farmland. This would ensure that the proposed expansion of the poultry operation would not result in additional amenity impacts that may arise due to the spreading operations, and is considered to be an acceptable arrangement.

6.5.4 **Noise:** An updated Noise Assessment has been undertaken which now includes details of the proposed air scrubbers. General vehicle movements would occur during the daytime period. Bird collections would take place at night-time. The report states that noise generated by the proposed extension would fall below the daytime and night-time noise limits. It also provides a cumulative noise assessment which includes noise from the existing poultry sheds and this concludes that that cumulative levels with all sources running concurrently would not exceed noise limits set out in guidance. In terms of noise from vehicles involved in bird collections the report states that this would result in a 3dB increase in noise level, and that this would be considered to be a 'slight' impact with the greatest impact being experienced at the property which is situated opposite the site access. As noted by the Council's Environmental Protection officer, this would occur once during each rearing cycle and a total of seven times per

year. It is not considered that this would be unacceptable levels of noise.

- 6.5.5 **Dust:** Dust can be emitted through the ventilation system, and the application proposes that dust baffles would be fitted to minimise its release. A Defra research project confirmed that particulate matter returned to normal background levels at a distance of 100m from poultry buildings. The EA has advised that a risk assessment for dust or bio-aerosol emissions would need to be carried out as part of the Environmental Permit were there to be any relevant sensitive receptors within 100 metres. The Permit would cover any dust management plan and, given the location of the site and its distance from sensitive receptors, it is not considered that the proposed development raises significant land-use planning issues that warrant further consideration at the planning stage.
- 6.5.6 **Odour:** An Odour Impact Assessment (OIA) has been submitted which has been prepared by odour consultants and this has predicted odour levels at 29 receptors in the local area. These include the closest residential properties in each direction. The OIA notes that odour concentration increases with bird size and age of litter up to the point that thinning takes place at approximately day 31, when a proportion of the birds are removed. It states that odour levels at the point at which the sheds are fully cleared of birds will always be lower than at thinning stage. The OIA takes into account the proposed use of ammonia scrubbers on the proposed new buildings and on two of the existing ones. The proposed ammonia scrubbers would reduce odour emissions and the report states that this reduction would be expected to be more than 40%. The results show that odour levels would increase at each of the receptors. Other than at one of these, the odour concentration level would be below 2 ouE/m³. At the closest receptor location (the properties at Tyrley Farm to the north) the odour concentration is predicted to be at an average of 2.9 ouE/m³. The OIA refers to Institute of Air Quality Management (IAQM) guidance which states that an odour level at or below 3 ouE/m³ is 'negligible'.
- 6.5.7 The OIA concludes that the dispersion modelling predicts that odour would be perceived at the closest locations, but that the proposed development would be unlikely to lead to odour impacts at a level which would be regarded by the EA as unacceptable, when operated in accordance with best practice. The Council's Environmental Protection team have raised no issues with the odour assessment and have noted that the odour levels predicted are 98th percentiles and so do take account of peak odour levels.
- 6.5.8 Review on behalf of residents: A review of the applicant's odour consultant's OIA has been carried out by another odour consultant, on behalf of local residents. The review concludes that the approach used in the OIA to determining odour emission rates is of high quality but limited to measurement at the peak of the rearing cycle. The review suggests that the higher odour emissions from clearance of the housing and thinning have not been included and that this is a significant omission. However the review also states that, whilst these should have been considered when discussing the outcome of the modelling, they are not suitable to be included in the type of dispersion modelling undertaken. The review states that IAQM guidance notes that where the process is operational, as is the case at the Hollins Lane site, "considerable weight" should be

placed on observational methods such as complaints analysis and sniff testing, and that the existing complaints have not been mentioned in the OIA. It states that this is an omission and that the results of the assessment cannot be relied on without further assessment. It states that the complaints evidence suggests that the current operation results in unacceptable odour impacts and that, as odour exposure would increase as part of the proposed expansion, it would exacerbate an already unacceptable odour environment.

- 6.5.9 In response the applicant's odour consultant emphasises that odour concentration and emission rates have been monitored from within the existing poultry houses rather than being based upon published data from elsewhere. The consultant also considers that, given the comprehensiveness of the site specific data for this existing operation, it would not be possible to have more robust input data for the modelling.
- 6.5.10 Odour complaints: The EA has advised that they have received a large number of odour complaints from a single sensitive receptor in the vicinity of the existing poultry farm. They advise that they have carried out monitoring on a small number of occasions, and have not been able to substantiate any of the complaints. They note that external areas of the dwelling may be impacted during times when there is cooler air, and that when air is rising during warmer conditions the high velocity roof fans would disperse odour sufficiently for it not to become a nuisance. They suggest that odour is likely to be detected at locations downwind of the site at certain times of the crop cycle. As noted in the OIA, the EA advise that peak odour levels occur during the thinning operation which takes place part way through the rearing cycle, and that there will also be odour generated when the sheds are cleared of birds and manure. They advise that these activities are short term. It is understood that no formal action has been taken regarding the odour complaints to date.
- 6.5.11 The Council has been copied in to odour complaints that have been sent to the Environment Agency, and also logged a complaint under the planning enforcement process in 2020. In relation to these the Council's Environmental Protection team have advised that they contacted the complainant to offer to investigate the matter on a number of occasions, but that the complainant advised that no investigation from their team was required as the matter was being pursued with the EA. Information from the complainant in one email suggested that the source of the odour may be from spreading of manure onto fields rather than direct emissions from the poultry houses. The planning enforcement case was subsequently closed down on the basis that the matter was the subject of an ongoing investigation by the EA and that the EA would be the appropriate body to pursue the matter through the regulation of the Permit.
- 6.5.12 The EA has advised that an Odour Management Plan would be required under the Environmental Permit and that this should help to reduce emissions from the site, but acknowledges that this would not necessarily prevent all odour. The EA advises that the Permit is unlikely to prevent odour pollution where there are residents in proximity of the site. The odour report states that potential odour impacts would be reduced further if odour control measures detailed in a site Odour Management Plan as part of the Permit are followed.

- 6.5.13 The proposed air scrubber units would reduce odour emissions, and this would mean that the doubling of the capacity of the poultry farm would not result in a corresponding level of increase in odour. This, in conjunction with the proposed transport of manure off site to an anaerobic digester facility rather than spreading it on local fields where it would release odour in the local area, would reduce the level of odour impact.
- 6.5.14 The lack of sniff testing at suitable locations, in line with the IAQM guidance, would appear to be a significant omission of the applicant's OIA, as is an analysis of the history of complaints. As noted by the Council's Environmental Protection Officer, whilst the numerous complaints have not been verified, the OIA has not fully investigated them either. It is considered that these omissions should be rectified in order to provide a more comprehensive odour assessment.
- 6.5.15 Officers recognise that residential receptors which are situated within proximity of poultry sites may experience some odour on some occasions. Whilst the modelling undertaken suggests that the increase levels of odour that would arise as part of the proposed operation would not be unacceptable, it is considered that the results cannot be fully relied upon given the omissions referred to above. Furthermore, whilst reiterating that the management of the site including emissions of odour is a matter that is regulated by the EA under the Environmental Permitting regime, it has not been demonstrated that the proposal which would result in increased levels of odour, would be acceptable in planning terms.
- 6.6 Traffic, access and rights of way considerations**
- 6.6.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.
- 6.6.2 The existing poultry farm is accessed directly from the A529 via a wide access which was constructed to accommodate both rigid and articulated heavy goods vehicles to and from the site. The access includes security gates which are set back from the public highway. All vehicles associated with the proposed operation would use this access. The submitted Transport Note states that at present there are approximately 113 2-way movements to and from the site per cycle that are associated with the poultry operation. The majority of these are associated with feed delivery (22 movements), bird collections (34 movements) and manure removal (33 movements). Traffic movements fluctuate throughout the cycle with the peak periods being during thinning on days 30-31 and during full collection on days 35-36. The proposed expansion of the operation would result in 2-way movements increasing from 113 to 198. Thinning and clearance operations would take place over a longer period.
- 6.6.3 The Council's highways team note that the proposal would increase HGV movements significantly but consider that these can be accommodated on the highway network and by the existing site access. The application states that the existing routing arrangements, which are that vehicles would approach from and leave to the south, would continue to apply. Overall it is considered that the proposal is acceptable in relation to highway safety matters.

6.6.4 Rights of way considerations: The Parish Council has requested that the applicant invests in the reinstatement of a footpath/bridleway along Hollins Lane given the additional traffic that would be generated and the conflict between traffic and walkers. It is understood that a matter relating to a claimed footpath route which crosses the site is being dealt with by an inspector. The Council's Rights of Way team has advised that if an order is made to include the route on the definitive map then, as the claimed route passes through existing site buildings, that a formal diversion would be required. It is considered that this is a matter which is separate to the consideration of the planning application and that it is not reasonable to require that the applicant provides a right of way across the site as part of any planning permission.

6.7 Ecological consideration

6.7.1 Core Strategy policies CS6 and CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should 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. It states that in all cases, a hierarchy of mitigation then compensation measures will be sought.

6.7.2 The NPPF requires that planning decisions should contribute to and enhance the natural and local environment and provide net gains for biodiversity (para. 174). It states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or compensated for then planning permission should be refused (para. 180).

6.7.3 The principal ecological issues relate to the direct impacts of the development on the ecological value of the area, and the indirect impacts due to the release of ammonia from the resultant poultry manure.

6.7.4 Direct ecological impacts: The application is supported by a Preliminary Ecological Appraisal which replaces the original one and is up-to-date. A preliminary roost assessment did not identify any trees or structures suitable for bats. The ecology report states that there is a very low likelihood of encountering great crested newt on the site, and no evidence of other protected species was found. The Council's ecologist concurs with the conclusions of the submitted report that no significant impacts upon protected species are likely subject to the implementation of the recommendations in the report. A planning condition can be imposed to require that these are adhered to. The proposed development would result in biodiversity enhancements in the area, including through the planting of substantial areas of woodland adjacent to the proposed poultry buildings.

6.7.5 Indirect ecological impacts: The principal potential indirect ecological impacts would

be from the release of ammonia from the poultry buildings and from any spreading of manure. Ammonia emissions can cause significant damage to sensitive ecological receptors. There are no sites with a European ecological designation within 10km of the site. The Tyrley Canal Cutting SSSI that is located to the south-east is a geological designation and is not sensitive to ammonia or nitrogen. There are two ammonia/nitrogen sensitive SSSIs within 10km of the site, and areas of ancient woodland.

- 6.7.6 An Ammonia Emissions Impact Assessment has been submitted with the application. The principal measures to limit ammonia emissions would be the use of ammonia scrubbing units on the four proposed poultry buildings, and on two of the existing poultry houses. With the incorporation of these scrubbers the Ammonia Assessment has calculated that the contribution of the proposed four additional sheds together with the existing ones on sensitive sites would be lower than at present. The proposed development therefore represents a betterment over the existing situation. The Council's ecologist has confirmed that the proposal is acceptable subject to condition. These conditions include a requirement to ensure that the scrubbers are in operation prior to the commencement of each rearing cycle and that a scheme for contingency measures is agreed.
- 6.7.7 Overall it can be concluded that the proposed development is in line with Core Strategy policies CS6 and CS17, SAMDev Plan policies MD2 and MD12, and relevant sections of the NPPF relating to ecological protection.

6.8 Impact on water resources

- 6.8.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.
- 6.8.2 Surface water drainage: The site is located within Flood Zone 1 which denotes areas where there is a low risk of surface water flooding. The proposals for surface water drainage would follow the same principles as for the existing development, and would include the collection of water from the buildings in a mix of open and stone-filled trenches. This would direct water to a piped system with the outfall to an existing attenuation pond, to be enlarged for this purpose, located adjacent to the site.
- 6.8.3 Dirty water drainage: Dirty water from the clean-out process would be collected through a dedicated sealed drainage system to an underground pumping chamber. This would then be emptied at the end of each cycle. The Environmental Permit would impose controls over this element of the operation.
- 6.8.4 In relation to public concerns raised over the potential for contaminated water to enter private water supplies it is not considered that there are any particular reasons why the drainage scheme would not be able to prevent this through satisfactory collection and management of dirty water. No issues have been raised by the Council's drainage team and it is considered that detailed designs for the drainage system can be agreed as part of an appropriate scheme to be submitted through a planning condition.

7.0 CONCLUSION

7.1 The proposed extension of the existing poultry rearing unit at Hollins Farm to provide a further four sheds represents a significant investment in the expansion of the rural business which has been in operation since 2016, and would bring about economic and social benefits for which there is national and local planning policy support. The proposed additional buildings would match the existing ones in terms of appearance and scale, and would be sited adjacent to them so as to minimise additional landscape impact. The siting, design and landscaping would ensure that significant effects on landscape and visual receptors would be avoided. It is not considered that the proposal would adversely affect the setting of heritage assets in the area, and the existing access and public highway can accommodate the additional traffic without adversely impact on highway safety. The use of air scrubbers to the proposed buildings, and on two of the existing ones, would provide betterment in terms of the amount of ammonia released from the operation. The drainage strategy is considered to be appropriate to avoid pollution and adverse impact on the nearby canal, and detailed matters can be agreed as part of a planning condition. Indirect impacts from manure spreading would be avoided through the proposed export of manure to anaerobic digester plant. Appropriate measures are incorporated within the designs to minimise dust emissions, and noise impacts, particularly in relation to traffic movements, are not anticipated to be unacceptable.

7.2 However there are concerns over the adequacy of the odour assessment submitted as part of the Environmental Statement. Numerous complaints regarding odour in relation to the existing operation have been received, and some investigations into these have been carried out by the Environment Agency as part of their controls under the Environment Permit for the facility. The proposal is predicted to increase odour levels at the nearest receptors, due to the additional number of birds that would be housed. The modelling provided in the Odour Impact Assessment predicts that this would be at a level that would be deemed to be 'negligible' under relevant guidance. The proposed operation, including matters relating to site management and emissions, would be regulated under the Environmental Permitting regime by the Environment Agency. Notwithstanding this, officers consider that there are omissions in the Odour Impact Assessment which mean that the conclusions cannot be fully relied upon to a satisfactory extent to demonstrate that the proposals would not result in an unacceptable impact on residential amenity due to adverse levels of odour. It is therefore recommended that planning permission is refused for this reason.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - 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

Relevant planning history:

15/00924/EIA Erection of two poultry sheds and feed bins, ancillary works including access track and associated landscaping works GRANT 15th September 2015

11/04052/FUL Erection of a building for pelleting/storage of biomass crop (Miscanthus) with attached office; installation of roof mounted PV solar panels; provision of a weighbridge; provision of visibility splay and associated works; landscaping scheme to include earth bund (Amended Description) GRANT 5th April 2013

14/05167/SCO Scoping opinion for the erection of four poultry units, feedstock clamps and anaerobic digester plant SCO 17th February 2015

15/01108/MAW Installation of an 800kW agricultural Anaerobic Digester (AD) Plant and associated infrastructure GRANT 11th September 2015

17/05286/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the alterations to approved agricultural building and installation of six additional biomass boilers and a drying floor GRANT 28th June 2018

20/02536/FUL Installation of ground source heat pumps; associated ground arrays, and enhanced ventilation units PCO

23/00223/FUL Installation of a battery energy storage system (BESS) compound GRANT 17th May 2023

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1C27JTDJC700>

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) - Councillor Chris Schofield
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Local Member

Cllr Rob Gittins

Appendices
None

Agenda Item 9



Committee and date
 Northern Planning Committee
 7th November 2023

SCHEDULE OF APPEALS AS AT COMMITTEE 7th November 2023

LPA reference	23/00873/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Darren Luter - Connexus Homes Ltd
Proposal	Demolition of two-thirds of Edinburgh House and change of use to the remainder (the former Police Station element) to create two floors of one and two bedroom apartments (10 apartments in total, across ground and first floors) with second floor remaining as office space (Class E) and erection of 18No dwellings on land at Edinburgh House
Location	Edinburgh House New Street Wem
Date of appeal	01.06.2023
Appeal method	Written Representation
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/03822/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	William Lewis
Proposal	Erection of replacement dwelling with double garage and associated landscape works.
Location	Lower House Farm, The Ridge, Ellesmere, SY12 9HT
Date of appeal	24.10.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

APPEALS DETERMINED

LPA reference	22/03682/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Robert Millerchip
Proposal	Erection of 3no Bungalows with garages
Location	Land North West Of Crabmill Meadow Tilstock Whitchurch
Date of appeal	11.04.2023
Appeal method	Written Representation
Date site visit	04.10.2023
Date of appeal decision	13.10.2023
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/04230/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr A Howell
Proposal	Conversion of agricultural barns to 6 dwellings, demolition of agricultural buildings, erection of garaging, creation of residential curtilage space and formation of a new farm access and formation of a new farm access
Location	Barn Conversions East Of Grange Farm Peplow
Date of appeal	28.01.2023
Appeal method	Written Representations
Date site visit	03.10.2023
Date of appeal decision	26.10.2023
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/05755/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Jason Witdnam
Proposal	Erection of extension to rear
Location	6 Western Drive Oswestry
Date of appeal	16.08.2023
Appeal method	Fast Track
Date site visit	10.10.2023
Date of appeal decision	26.10.2023
Costs awarded	
Appeal decision	DISMISSED

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Appeal Decision

Site visit made on 4 October 2023

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/L3245/W/23/3320163

**Land North of Crabmill Meadow, Tilstock, Whitchurch, Shropshire
SY13 3PL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by R.G.M Construction against the decision of Shropshire Council.
 - The application Ref 22/03682/FUL, dated 10 August 2022, was refused by notice dated 12 October 2022.
 - The development proposed is erection of 3no dwellings/bungalows comprising 2 No semi-detached bungalows and 1 no detached bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The appellant submitted revised plans with the appeal, which include a different 'red line' site boundary and alterations to the design and layout of the dwellings. The changes proposed are substantial and materially different to what the Council originally considered. The appeal process should not be used to evolve a scheme to overcome the Council's reason for refusal. While the Council commented on these changes, as far as I am aware, they have not been subject to any form of consultation. Accepting the revised plans may unacceptably prejudice the interests of interested parties. For the avoidance of doubt, I have therefore determined the appeal based on the original plans submitted with the application only.
4. The appellant submitted additional evidence in relation to the effect of the development on biodiversity. Consequently, the Council has confirmed it no longer wishes to defend this reason for refusal. I have had regard to this in my decision.

Main Issues

5. The main issues are:
 - The effect of the development on the character and appearance of the area, including the effect on trees;

- Whether the site is an appropriate location for housing having regard to local policy on housing in the countryside; and
- The effect of the development on the efficient operation of the highway network.

Reasons

Character and appearance

6. The appeal relates to a roughly rectangular area, densely covered by trees and hedgerow. It lies immediately to the north of the edge of the built-up area of Tilstock. Open fields lie to the north of the site.
7. There may be dwellings further north of the site in other parts of the village, but the verdant nature of the site represents a distinct change in character from the main built form. In this way, it does not represent an area of transition between the settlement and countryside. Indeed, the site forms a well-defined 'edge' to the settlement and clearly forms part of, and makes a positive contribution to, the rural character of the village's setting.
8. The dwellings would be accessed by the continuation of the road serving recently built dwellings to the south. This road would continue behind the existing dwellings known as Beachan and Buckthorn. The bungalows would face the rear boundaries of these dwellings across the access road. Given the relationship between the proposed and existing dwellings, the development would not represent infill, a logical extension, or a rounding off of the village. Rather, as they would be positioned behind existing dwellings, they would be viewed as a somewhat disjointed adjunct to the village, relating poorly to the existing pattern of development.
9. They would also present as an obvious protrusion into the countryside beyond the clear and well established 'edge' created by the existing dwellings. The need to remove several trees, significantly altering the existing verdant character of the site, would exacerbate this impact.
10. The submitted Arboricultural Report (AR) is based on the revised plans and layout submitted with the appeal. Accordingly, details about trees to be removed or retained may not accurately reflect what was originally proposed or what I am considering. Nevertheless, the report provides some assistance in understanding the potential impacts of development. It concludes that there are several 'moderate quality' category B trees (one table indicates 4 such trees, whereas another indicates 5). The majority of trees in the site are classed as 'category C' of low quality and one category U. Two category B trees would need to be removed.
11. The Council raised concerns about the effect of retained trees on the living conditions of future occupants of the dwellings, arguing that this may lead to overshadowing. This, in turn, may put the retained trees at a heightened risk of felling in the long term. I deal with this here, rather than in the context of effect on living conditions, as it is the potential effect on the character of the area from tree removal which is the primary concern.
12. Notwithstanding any potential issues relating to root protection areas, or differences in plans, given the proximity of retained trees to the proposed dwellings, it is likely that they would give rise to issues relating to

overshadowing and other issues relating to falling leaves and branches and effects on usable garden space. This is particularly the case for two of the category B sycamore trees. Rather than creating a pleasant experience for occupiers, there is a reasonable likelihood that the trees could be seen as a nuisance and would be at risk from being removed in the medium to long term.

13. As a result, the AR likely underestimates the likely harm to visual amenity that would be caused. The trees create a well-defined and verdant edge to the settlement. While the hedgerow may be capable of retention, the thinning out of the trees would alter the character of the site to a substantial degree. This would erode the existing cumulative value of the site to local character. Along with all associated domestic paraphernalia and the access road, this would have a harmful urbanising effect on the site that would significantly diminish the contrast between the settlement and the countryside, much to the detriment of the rural setting of the village.
14. The single storey characteristics of the dwellings and the retention of hedgerows would provide a degree of screening, particularly along parts of the B5476. In this regard, the dwellings would not be particularly prominent from medium and long-distance views. However, the removal and thinning out of the tree line could reveal more of the built form behind the site, thus potentially opening views of housing beyond. This again would harm the site's existing role in terms of the character of the village. The proposal for replacement trees would not provide adequate replacement of the existing screening or mitigate the harm caused by the cumulative loss of trees across the site.
15. I therefore find that the development would have an unacceptably harmful impact on the character and appearance of the area. As such, it conflicts with policies CS6 of the Shropshire Core Strategy (CS) (2011) and policies MD2 and MD12 of the Shropshire Site Allocations and Management of Development Plan (SAM) (2015). Amongst other things, these require development to contribute to and respect local distinctiveness and respond appropriately to the form and layout of existing development.

Suitable location

16. The site is located outside the defined development boundary for Tilstock and thus is considered to be in the open countryside in policy terms. CS Policy CS4 states that in rural areas development will be focussed on 'Community Clusters', which includes the defined settlement at Tilstock, unless it meets the requirements of Policy CS5. Policy CS5 allows for development outside defined settlements where it meets one of several exceptions (albeit these are not exhaustive). This includes reference to 'other affordable housing/accommodation to meet a local need.' Whether or not there is a local need or demand for bungalows, the exception is for affordable dwellings. Three market dwellings would not fall into this exception. As set out above, the development would also not maintain or enhance countryside character, which is also a requirement of this policy.
17. Policy MD7a of the SAM also 'strictly controls' new market housing outside Community Clusters. This allows for suitably designed and located 'exception' sites. An 'exception' site is again required to deliver affordable housing and thus market dwellings would not meet this requirement. This policy therefore provides no support for the proposal.

18. Policy MD3 of the SAM also allows for development outside allocations, subject to other policies, including CS5 and MD7a. It also requires development to meet the relevant design policies of the plan. Given my conclusions above, the development would not comply with this policy.
19. My attention has been drawn to the emerging Shropshire Local Plan which is currently under examination. There is no indication that the Inspector has informed the Council as to whether the policies of this plan are 'sound' or whether modifications will be necessary. I also have no indication of the level of unresolved objections that exist to the policies referenced. Accordingly, I have given little weight to this plan.
20. Nevertheless, in considering windfall proposals, emerging Policy SP9 requires development to be clearly within and well related to the built form of the settlement and have permanent and substantial buildings on at least two sides. There would be dwellings to the southern boundary of the site. The garden of 'New House' runs to the side of the site. However, the dwellings themselves would be located further north of the rear building line of this dwelling and would have no visual or physical relationship with it. On this basis, the development would not constitute 'infill' in any event and thus would remain contrary to the emerging policy.
21. The development would not be considered an 'isolated' development in terms of paragraph 80 of the National Planning Policy Framework (the Framework). Nonetheless, while the Framework seeks to resist such development in all but a few circumstances, it does not follow that all development which is not isolated is acceptable in principle, particularly considering other relevant development plan policies.
22. Paragraph 79 of the Framework also states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. The development is immediately adjacent to a defined 'Community Cluster.' Development has been considered acceptable in principle in the development plan, some of which is very close to the site. Tilstock has therefore obviously considered a sustainable location for development in principle. Nevertheless, the plan is clear about the scale of development envisaged for Tilstock and where this should take place within it. While housing requirements may be a minimum, they appear to have been met and there is no apparent need for additional windfall development outside the defined boundary. In this regard, I am mindful that Policy MD3 specifically refers to the settlement housing guideline as a significant policy consideration, particularly where proposals would exceed the guideline figure.
23. I shall return to the issue of the benefits of development below. However, the provisions of paragraph 79 cannot alter the conclusion that the proposal is inconsistent with the development plan with regard to housing development in the countryside. In conclusion, the development conflicts with CS policies CS1, CS4 and CS5 and SAM policies MD1, MD3, MD7a and S18.2 which seek, amongst other things, to direct development to defined Community Clusters. As such, this is not an appropriate location for housing development having regard to local policies.

Highways

24. The Council's concern in relation to highways was a lack of information to determine whether the proposal would cause unacceptable safety risks. This related primarily to the connection to the existing road network and parking provision. The appellant sought to address some of this through the submission of revised plans. However, as I have already indicated, these illustrate substantial material changes to the development and thus I have not had regard to them in my decision.
25. The comments from the Highways Authority (HA) state a requirement for two parking spaces per dwelling. However, no parking standards have been drawn to my attention. In any event, while not detailed, the original plans include a garage for each dwelling and there would appear to be driveways that would be sufficient to accommodate an additional vehicle. The access road would not be a through route and there would be no passing traffic. Any movements are also likely to be low speed. There appears to be no obvious reason why the parking provision would lead to unacceptable safety issues or impacts on the operation of the road network.
26. I note the HA comments about the detail of the plans and what they show in terms of connection to the wider network. The original plans do not include the access road within the 'red line' of the application, but the land needed does appear to be in the ownership of the appellant. There seems no reason in principle why connection to the existing estate road could not be achieved. Importantly, the original plans do not show any potential access onto the B5476.
27. The existing access road is relatively narrow with no markings. It would be reasonable to assume that the proposal would be served by similar. This road already serves housing, and it is unlikely that the traffic created by an additional three dwellings would have an unacceptable impact on either safety or the operation of the road network in the immediate vicinity. The nature of the road and the number of dwellings served means that there would not be a substantial number of vehicle movements using this access road, and they would be relatively slow moving. I saw nothing to suggest that the development would result in an unsafe road environment.
28. Tilstock Lane is straight in both directions at its junction with Crabmill Meadow. My site visit can only represent a snapshot of normal conditions. Cars were parked on the road to either side of the junction, which impeded visibility to an extent. Nevertheless, this is an existing junction to both the estate and Village Hall and there is no evidence that the junction has been the cause of recorded accidents. Although the development would add to the use of the junction, it is unlikely that it would have any material effect on its operation. Moreover, the traffic generated by the development would not be sufficient to cause severe impact on the wider road network.
29. Based on the evidence before me, I see no reason to conclude that the development would result in unacceptable harm in relation to highway safety or the efficient operation of the transport network. Therefore, there would be no conflict with CS policy CS6 which seeks, amongst other things, for development to be safe and accessible to all.

30. For the avoidance of doubt, this conclusion is based on the original plans. While I have noted the Council's concerns relating to the revised plans and, in particular, the implications for refuse collection, these have not factored into my decision.

Other Matters

31. The development would provide three additional bungalows that would both add to the housing land supply and provide specialised housing. While these would not meet the policy exceptions for housing in the countryside, there would still be associated economic and social benefits.
32. As discussed above, I am mindful that the Council has identified development in Tilstock as acceptable in principle and has allocated land for development within the defined development boundary. Notwithstanding the conflict with policy, there would not therefore be significant harm in terms of accessibility and sustainable travel. The development would also contribute to the vitality of Tilstock.
33. However, given the scale of development, any benefits associated with these factors would be limited. Furthermore, the evidence suggests that the Council can demonstrate more than a five-year housing land supply and the housing requirement identified for Tilstock has been met. There is no evidence of a quantitative supply issue either locally or in the wider district. The benefits associated with the development are therefore not sufficient to outweigh the clear conflict with the development plan.
34. I have not identified any harm in relation to any other aspect of the development, including the effect on living conditions of neighbours, biodiversity, flooding and drainage or pollution. It is also not best or most versatile agricultural land. However, a lack of harm in these respects is neutral and weighs neither for nor against the development. The representations supporting the proposal are noted, but do not alter my overall conclusion.
35. The development would conflict with the development plan when read as a whole. There are no material considerations that would lead me to a decision other than in accordance with the plan.

Conclusion

36. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR



Appeal Decision

Site visit made on 3 October 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2023

Appeal Ref: APP/L3245/W/23/3315623

Barns at Peplow Grange, Peplow, Market Drayton TF9 3JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Howell against the decision of Shropshire Council.
 - The application Ref 22/04230/FUL, dated 14 September 2022, was refused by notice dated 9 November 2022.
 - The development proposed is conversion of agricultural barns to 6 dwellings, demolition of agricultural buildings, erection of garaging, creation of residential curtilage space, and formation of a new farm access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an additional plan with the appeal. The plan ref SA40653-BRY-XX-PL-A-08 provides the floor plan and elevational details of the proposed garaging and parking for barns 02 and 03, a bin store and borehole filtration room. The plan does not alter the proposal and the Council, and third parties, have had the opportunity to comment upon it. I am satisfied that no prejudice would occur to any party as a result of my consideration of its content and have determined the appeal on that basis.
3. My attention has been drawn by the appellant to a proposed policy in the emerging Shropshire Local Plan 2016-2038 (ELP). The National Planning Policy Framework (the Framework) states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. I have not been provided with the wording of the policy, the stage of the ELP, or whether, and if so to what extent, there are any unresolved objections to the policy. Consequently, I cannot give weight to it in my decision.
4. Following the Council's decision, a signed and dated Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 was submitted during the appeal. The UU contains an obligation to pay the Council an affordable housing contribution. I comment upon the UU later in my decision.
5. The Council's second reason for refusal related to a lack of information submitted with the application to demonstrate that the proposed means of access to and from the site would be of an appropriate standard. Following the appellant's submission of a Highways Appeal Statement (Ref SA46494) with

the appeal, the Council have confirmed that this has satisfied their concerns on this matter.

Main Issues

6. Therefore, the remaining main issues are:
- The effect of the proposal on the character and setting of the non-designated heritage asset and its significance; and,
 - Whether the proposal would provide acceptable living conditions for future occupiers of barn 06, with particular regard to private amenity space.

Reasons

Non-designated heritage asset

7. The appeal site comprises a traditional red brick part single and part two storey agricultural building in an 'E' plan layout, surrounded by several metal clad agricultural buildings. The main farmhouse is located to the west of the agricultural buildings and shares the same access. The farmstead is located in relatively flat open countryside, defined primarily by agricultural land, interspersed with woodland, hedgerows, scattered farmsteads and localised clusters of buildings. Both parties agree that the farmhouse and the traditional brick barns are non-designated heritage assets (NDHA).
8. Paragraph 189 of the Framework sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 203 of the Framework goes on to indicate that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in the determination of development proposals.
9. The significance of the heritage asset relates, in part, to the quality of the brick farm buildings, and their layout representing those found in a model farm layout of the 18th and 19th centuries, with regular courtyard patterns. Historic map analysis indicates that the buildings were originally built in the 19th century and were linked with the Peplow Estate. The detailing of the E-plan brick building and the associated farmhouse is believed by the Council's Conservation Officer to show great status within the estate and as such elevates the significance of the farmstead.
10. The appellant's Heritage Impact Assessment and Historic Environment Appeal Statement confirm that the site contributes to the historic landscape character and that the farmstead has historic interest as it provides evidence of the farm's evolution. There is a high survival rate of historic fabric which increases the legibility of the farm building, and many vernacular architectural details are preserved such as pointed arches, stone and brick sills, red painted timber joinery, decorative arrow slits and some timber shutters.
11. I observed at my site visit the two storey barn B is an attractive and well-preserved example of a 19th century shippon with hay loft above, decorative ventilation holes and dovecote. Indeed, the layout, materials and vernacular details of the whole E-plan building viewed in its agricultural setting are key to

- the appreciation of its merits and an understanding of its significance as a NDHA.
12. It is proposed to remove the portal frame buildings and Dutch barn on the site and convert the traditional brick building to 6 dwellings. Three garage blocks would be constructed, and gardens created in courtyards and to the east and south of the building. A new access would be formed to the south of the site which would provide access to surrounding agricultural land. The existing access would be used for residential access to the farmhouse and the proposed dwellings.
 13. The appellant argues that the significance of the site has already been diminished by previous alterations, including unsympathetic insertions of openings into historic openings, the later addition of barn F and catslide extension to the courtyard elevation of the two storey barn B. As such, several large glazed openings are proposed to facilitate the proposed conversion, predominantly on elevations facing the courtyard.
 14. From observations at my site visit and the information submitted, it is clear that there have been alterations to the building over time. The Planning Practice Guidance (PPG)¹ advocates that understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm. Analysis of relevant information can generate a clear understanding of the affected asset, the heritage interests represented in it, and their relative importance.
 15. While the appellant has indicated that the proposal would not result in harm to the significance of the NDHA, there is insufficient evidence to support this claim. Having regard to the age of the brick, use of stone in some elevations and the painted red timber, some of the previous alterations provide evidence of the evolution of farming methods, particularly the transitions in farming which occurred in the 19th century to accommodate dairying and are part and parcel of the heritage interest of the buildings and speak to its layout and function.
 16. Although only one new opening on each elevation is proposed, several existing bricked up openings would be 're-opened' and other existing openings would be widened to form large, glazed openings, particularly on the courtyard elevations of barns 01, 02, 03 and 05 and the outward facing elevations of barns 01 and 04. These would significantly alter the composition of the building. The cumulative proportions and appearance of several large, glazed openings so close together would be incongruous and starkly at odds with the traditional modest existing window openings. Moreover, the conspicuous three panel horizontal glazing detail proposed on the courtyard elevations of barns 02, 03 and 05, and to the garden elevation of barn 01, would introduce modern features that, even if were originally openings, would be alien to the character and appearance of the building and detract from appreciation of its form and significance.
 17. I am mindful that the Framework advises against discouraging appropriate innovation and change. However, the Framework also sets out that it is proper

¹ Paragraph 008 reference ID: 18a-008-20190723

to seek development that is sympathetic to local character and history, and that maintains a strong sense of place.

18. In my view, irrespective of the number of proposed residential units, the proposed fenestration alterations would interfere with the ability to understand the historic use of the individual parts of the farmstead. The evidence suggests that each of the barns forming the E-plan building and highlighted in the appellant's submission as A to E, had a specific use and the form and number of openings was attributable to that use. Whilst I understand the desire to provide natural light for future occupiers of the proposed dwellings, the uniformity and number of glazed openings and loss of arched timber doors in existing openings would harm the individual character and historic use of each barn which is fundamental to its significance.
19. Much of the interest of the building remains in the subtle detailing that is not accounted for in the appellant's submissions, such as the curved brick piers on some courtyard elevations, blue brick cills and timber louvres. Moreover, no details of window materials or sections have been provided to demonstrate the depth of window and door reveals or that the subdivision of the first floor in relation to the roof structure would not be harmful.
20. In terms of setting, there would be some merit in the removal of the open fronted barn F which would better reveal the significance of the E plan form of the building. However, the replacement garage and store building would be separated from barn 01. As there is already a building in this location enclosed by a brick wall facing the farmhouse, it would not result in any loss of significance of the NDHA.
21. The same cannot be said of the proposed garage block to the south. Even though this would be located on part of an existing modern portal frame agricultural building that would be removed, and would be single storey, it would be of substantial length and height and would be an incursion of residential development into agricultural land. The proposed garage block for barn 01 would result in a similar form of urban encroachment onto an agricultural track, albeit to a lesser degree. These detached garage blocks would introduce a more urban form of development to the countryside setting of the NDHA which would undermine its heritage significance.
22. In addition, due to the considerable size of the proposed outdoor private amenity space for each dwelling, with the exception of barn 06, there would be pressure for occupiers of the dwellings to erect outbuildings in order to accommodate such things as cycles, garden equipment and other domestic items. Whilst permitted development rights could be controlled or removed in relation to ancillary outbuildings were the appeal to be allowed, due to the limited space within each proposed dwelling, the pressure would be great and not unreasonable. The resultant spread of such outbuildings, even if they were small, would introduce urban forms of development into the open countryside which would harm the agricultural setting of the NDHA and erode its significance.
23. Furthermore, in seeking to provide individual areas of amenity space for future occupiers of barns 4, 5 and 6, the central courtyard would be enclosed by a low wall and sub-divided by a central path and box hedging. Even though the existing unattractive low concrete wall would be removed, the proposed wall would be positioned further into the courtyard. These formal enclosures would

- harm the open courtyard layout of the E-plan and would diminish the significance of the original model farm layout.
24. For the reasons given above, I conclude that the proposal would harm the character and setting of the NDHA and cause moderate harm to its significance.
 25. Policy MD13 of the Shropshire Site Allocations and Management of Development Plan 2015 (DP) seeks that, amongst other things, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring proposals avoid harm or loss of significance to designated or non-designated heritage assets. In weighing proposals that directly or indirectly affect non-designated heritage assets, paragraph 203 of the Framework states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
 26. I recognise that the appellant has sought to address the reasons for refusal for a previous application on the site². Even if several recent crudely altered openings do not constitute development under the Act³, the proposed infilling of these openings and the removal of the modern portal frame agricultural buildings would be of some benefit to the character, appearance and setting of the NDHA. However, these adjacent buildings are generally representative of rural farmsteads and as such are not unexpected features in the surrounding rural landscape. I therefore afford these matters limited weight.
 27. That the proposed internal subdivisions and the introduction of rooflights have been found to be acceptable is a neutral consideration.
 28. There would be benefits with regard to a contribution to the supply and variety of housing in the borough, including an affordable housing contribution. There would be potential economic benefits including through employment opportunities created during the conversion. I also recognise the importance of re-using materials. However, given the modest scale of the development, I afford these benefits limited weight. In addition, no evidence has been submitted to me to demonstrate that the proposal is the only viable way to secure similar benefits or the future of the NDHA.
 29. Drawing these factors together, I attach limited weight to the benefits and find on balance that they do not outweigh the moderate harmful effect of the proposal on the character and setting of the NDHA and therefore its significance.
 30. Consequently, the proposal conflicts with Policy MD13 of the DP which, as well as the aims I have identified above, also states that proposals that are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting, will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect. It would also conflict with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS). The aims of this policy are, amongst other things, to ensure that conversion schemes contribute positively to the area and protect, restore, conserve and enhance the building's historic character. The proposal would also conflict with the heritage protection aims of the Framework.

² LPA Ref:22/00862/FUL

³ Section 55 of the Town and Country Planning Act 1990

Living conditions for future occupiers of Unit 6

31. The outdoor amenity space for future occupiers of proposed barn 06 would be located within the courtyard fronted by barns 04 and 05 and bound by a low box hedge and wall. Occupiers of, and visitors to, the neighbouring units would have clear views of this amenity space, which would lack privacy.
32. Paragraphs 2.16 and 2.17 of the SPD⁴ advocates the importance of maintaining acceptable living standards for the occupants of dwellings, including conversions, in terms of, amongst other things, external private amenity space. While I am satisfied that the amount of amenity space for future occupiers of barn 06 would comply with the requirements of Policy MD2 of the DP (which requires a minimum of 30sqm), the space would not be private. As such, the provision of outdoor space for barn 06 would be below the reasonable expectations for a dwelling in the area and would conflict with guidance in the SPD.
33. Although SPDs are not part of the development plan, the glossary to the Framework states that they can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Such documents are capable of being a material consideration in planning decisions.
34. I have had regard to the use of a condition which could secure a tall enclosure around the amenity space for barn 06 and provide privacy. However, as I have found the subdivision of the courtyard would harm the significance of the NDHA, a condition would not meet the tests set out in paragraph 55 of the Framework.
35. That private amenity space is not available for other households in Great Britain is not a reason in itself to justify development that is unacceptable. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
36. For the reasons given, the proposed development would not provide acceptable living conditions for future occupiers of barn 06, with particular regard to private amenity space. The proposal would therefore conflict with Policy MD2 of the DP which requires that the design of landscaping and open space should be considered holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces. It would also conflict with Policy CS6 of the CS which requires that all development contributes to the health and wellbeing of communities, including safeguarding residential amenity and the achievement of local standards for the provision and quality of open space. Policies in the development plan for South Gloucestershire are not relevant to this appeal.

Other Matters

37. I note that, although raised as a concern in the Council's officer report, affordable housing provision was not a reason for refusal in the decision. Nevertheless, the appellant has submitted a completed UU signed and dated 21 August 2023 that includes a sum of £81,000 to be provided as an off-site contribution towards affordable housing elsewhere in the borough in accordance with the SPD. However, as I am dismissing the appeal for the reasons given, I have not pursued this matter further.

⁴ Shropshire Type and Affordability of Housing Supplementary Planning Document 2012

38. The Framework requires that plans and decisions should apply a presumption in favour of sustainable development⁵. Nonetheless, I find the proposed development would have an unacceptably harmful effect on the significance of the NDHA; and is harmful to the living conditions for future occupiers of Unit 6, with particular regard to private amenity space. As a result, it is contrary to the development plan and to the Framework, as described above. I consider that such an adverse impact would significantly and demonstrably outweigh the benefits of this scheme, as assessed against the Framework as a whole. Accordingly, the presumption in favour of sustainable development does not apply.
39. There is support for the proposal from the Parish Council. Nevertheless, this is not a reason in itself to allow development that is unacceptable.

Conclusion

40. For the reasons given, the proposed development would conflict with the development plan taken as a whole. There are no other material considerations of sufficient weight which indicate that a decision should be made other than in accordance with the development plan.
41. The appeal is therefore dismissed.

A Veevers

INSPECTOR

⁵ Paragraph 11

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Appeal Decision

Site visit made on 10 October 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26.10.2023

Appeal Ref. APP/L3245/D/23/3324736 6 Western Drive, Oswestry SY11 1HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Natalie Wirdnam against the decision of Shropshire Council.
 - The application ref. 22/05755/FUL, dated 26 December 2022, was refused by notice dated 5 April 2023.
 - The development proposed is "Erection of extension to rear".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the proposed works in the heading above is taken from the Council's decision notice as it is more succinct than the one provided on the householder application form.
3. As suggested by the Council in its questionnaire, in addition to visiting the appeal property, I also attempted to assess the appeal proposal from the adjacent property to the north-west known as 8 Western Drive. I called at that property but there was no answer. I am satisfied that I have seen everything I need to determine the appeal from my visit to the appeal property and I will proceed on that basis.

Main issues

4. The main issues are the impacts of the proposed rear extension upon the appearance of the host dwelling and the locality and upon the amenity and living conditions of the neighbours at 8 Western Drive with regard to the potential for any overbearing effects and loss of light.

Reasons

5. Paired with no. 8, the appeal property is a compact, 3-bedroom, 2-storey semi-detached house finished in red bricks, with natural slates over the hipped roof shared by both houses. It lies in an established and pleasant residential area near the junction between Western Drive and Offa Drive. Many of the houses hereabouts follow a similar, simply detailed semi-detached form which makes for a locally distinctive pattern of development.
-

6. No. 6 benefits from single-storey, lean-to rear extensions. These would be removed. Across the first floor, the proposed rear extension would provide for all 3 bedrooms to be increased in size and a larger bathroom whilst a combined dining area/kitchen and a toilet would be added on the ground floor.
7. At 3.6 m in depth, the proposed 2-storey rear extension would be no deeper than the current single-storey rear conservatory, but it would span across virtually the full width of the original rear elevation such that very little of the original rear wall face would remain visible. It would also be wider than the original end gable of the house. Its hipped ridge would reach up to the same height as the existing main hipped roof. Given its size, the proposed 2-storey rear extension would add substantial bulk and mass to the rear elevation and appear unduly dominant, bulky and out of scale with the host dwelling.
8. Even though matching materials would be used, the extension would appear as an insufficiently subservient addition to the existing dwelling and would detract from its appearance and that of its immediate surroundings. The absence of other 2-storey rear additions to the nearby properties on Western Drive would tend to exaggerate the adverse visual impacts of the proposed extension on the host building and the locality. The scheme would not materially affect Western Drive as viewed from the front but the extension would be visible from several nearby residential properties, Offa Drive and the access way and associated garage court to the rear.
9. The appellant points to a 2-storey extension within eyesight of the appeal property. This isolated example relates to a different street and local context and each application should be considered on its own individual merits. In any event, I have no planning history before me of that other case. There is no compelling local precedent at this time for the development proposed.
10. Having regard to the rather close-knit layout of the houses, the position of the appeal property to the south-east of no. 8 and the very narrow gap between the flank wall of the proposed development and the common boundary, the proposed 2-storey rear extension would be of sufficient height, scale and massing to cause a notable degree of overshadowing of the rear windows and back garden at no. 8. There would be a reduction in daylight reaching those areas. The passage of sunlight would also be interrupted especially during those times of the year when the sun is lower in the sky. The proposed extension would also create an unacceptable sense of enclosure as it would appear visually overbearing in the outlook from no. 8.
11. These adverse consequences are confirmed whereby the extension would exceed a line taken at 45 degrees (in horizontal plan) from the midpoint of the nearest ground floor window in that neighbouring property.
12. I find on the main issues that the proposed rear extension would detract from the appearance of the host dwelling and the locality and would materially harm the amenity and living conditions of the neighbours at 8 Western Drive with regard to the potential for overbearing effects and loss of light. Accordingly, there would be conflict with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy and Policy MD2 of the Site Allocations and Management of Development Plan which seek to ensure development, amongst other things, is designed to a high quality, safeguards residential and local

amenity and contributes to and respects locally distinctive or valued character and existing amenity value. Good design is also a cornerstone of the National Planning Policy Framework. This would not be achieved.

13. I have taken account of the absence of substantive local objections. I also give weight to the appellant's reasoning for the extension as described in the appeal statement, in particular the construction problems around the existing conservatory, the improvements to the insulation of the property the scheme would enable and the proposed enhancement of the internal accommodation on both floors. However, I am of the view that these considerations are not sufficient to outweigh the harm that I have described.

Conclusion

14. My findings on the main issues are decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other considerations. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR

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