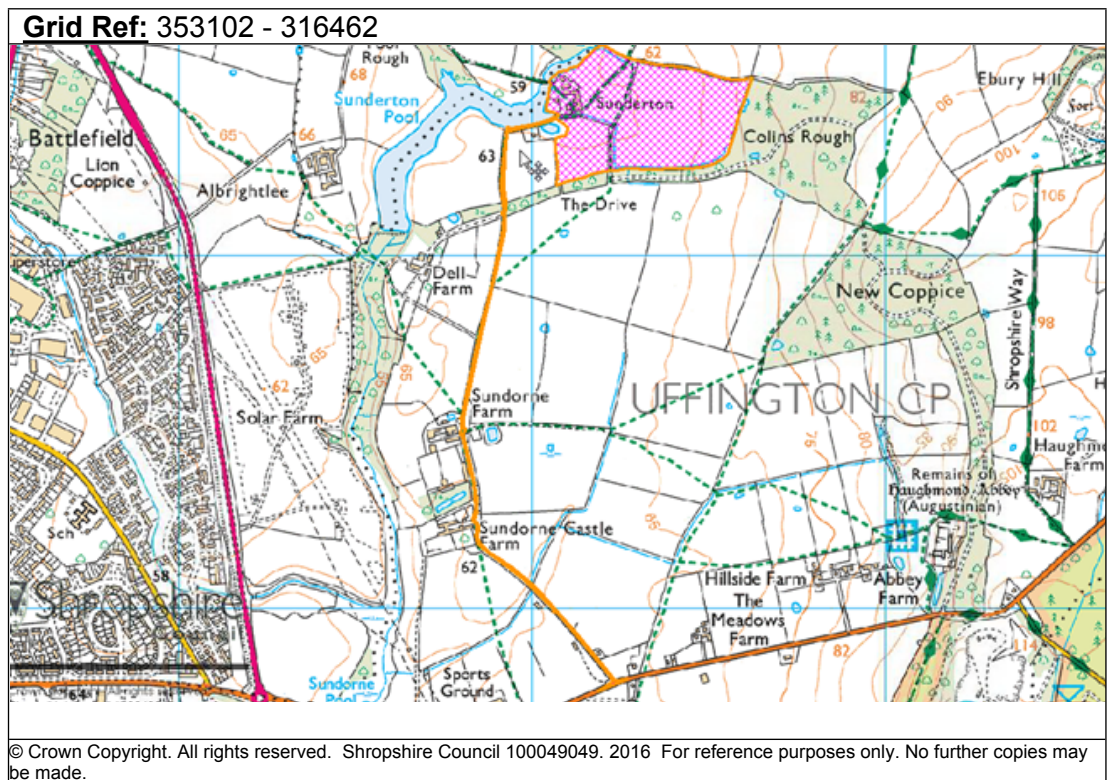


Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 17/02522/VAR	Parish:	Uffington
Proposal: Variation of condition number 2 (approved plans) attached to planning application reference 16/04518/EIA dated 07/03/2017 to allow alterations to the layout of sheds 1 and 2 (amended description)		
Site Address: Sunderton Farm Uffington Shrewsbury Shropshire SY4 4RR		
Applicant: Mr Hockenhill		
Case Officer: Frank Whitley		email: planningdmc@shropshire.gov.uk



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

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL****1.1** The application seeks planning permission for the:

Variation of condition number 2 (approved plans) attached to planning application reference 16/04518/EIA dated 07/03/2017 to allow alterations to the layout of sheds 1 and 2 (amended description)

1.2 The application seeks to alter the design of the buildings which have been approved as part of 16/04518/EIA, (Planning Committee 16 Feb 2017) *Erection of four poultry sheds, feed bins, solar photovoltaic panels and ancillary equipment, creation of access tracks to the site and alterations to existing vehicular access (Amended scheme)*. This application was approved by Planning Committee on 16 February 2017 and limited by condition to no more than 200,000 birds in total.

1.3 The approved scheme consists of four sheds each measuring 97.5m long, 24.5m wide, and a maximum height of 4.6m (also feed bins and ancillary buildings/equipment).

1.4 This application proposes to reduce the length of two of the four buildings to 73m long and 20m wide, though they will be taller with a maximum height of 6m and eaves height to 3.3m.

1.5 The reduction in floor area will result in a corresponding reduction in bird numbers. The unchanged Sheds 3 and 4 will house 100,000 birds between them. The proposals which apply to Sheds 1 and 2 will result in a reduction from 100,000 to 32,000 birds between them.

1.6 The variation as first submitted intended to alter the access route. However it was found that the preferred option was exactly as finally approved in 16/04518/EIA. The description of development was amended accordingly.

2.0 SITE LOCATION/DESCRIPTION

2.1 Sunderton Farm is located at the end of a 2km private drive accessed from the B5062 which connects Shrewsbury and the village of Roden. Sunderton is located in a flat and low lying area to the east of Shrewsbury bypass. The application site lies in Flood Zone 1 (the lowest risk of flooding). The proposed development forms part of a planned strategy to ensure the future viability of the farm unit.

2.2 The current holding extends to 400 acres and comprises arable with cereals, oilseed rape and fodder beet. There is a herd of suckler cows and circa 220 breeding ewes.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposal relates to a schedule '1' EIA development and therefore Committee consideration is mandatory in accordance with the Council's scheme of delegation.

4.0 **Community Representations**

Consultee Comments

4.1 **Parish Council- no objection**

Customer made comments in support of the Planning Application

Comment Reasons: Comment: After discussion it was agreed that the Parish Council support this application

4.2 **Conservation- no objection**

No comments are raised in terms of historic environment matters. All conditions regarding external materials and colour finishes, along with landscaping mitigation measures and landscaping maintenance, should still be applied.

4.3 **Regulatory Services- no objection**

Having considered the variations I have no objections in principle.

4.4 **Rights of Way- no objection**

Comments made to the previous application for this site regarding public rights of way are still relevant to this application.

I attach a plan of the area showing rights of way information onto which I have overlaid the current proposed block plan which shows various Rights of Way within the vicinity of Sunderton Farm. It appears from the plan that FP 16 will be obstructed by the development of the sheds and will require a legal diversion under the terms of the Town and Country Planning Act. The applicants will need to apply to the Mapping and Enforcement Team for such a diversion and, in the meantime, the route needs to be kept open and available at all times.

4.5 **SUDS- no objection**

We have no comment regarding the Variation of condition number 2 (approved plans) attached to planning application reference 16/04518/EIA dated 07/03/2017 to allow alterations to the layout of sheds 1 and 2 (amended description).

4.6 **Public Comments- none received**

5.0 **THE MAIN ISSUES**

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 The principle of development was established in 16/04518/EIA which is given very significant weight in this application. The following policies were relevant and there have been no changes since then to alter the Case Officer's position.

6.1.2 The National Planning Policy Framework, (NPPF), emphasises in paragraph 28 on Supporting a prosperous rural economy, that planning policies should support economic growth in rural areas, in order to create jobs and prosperity by taking a positive approach to sustainable new development and promote the development and diversification of agriculture and other land based rural businesses.

6.1.3 Policy CS5: Countryside and green belt in the Core Strategy states that new development will be permitted where it improves the sustainability of rural communities where development diversifies the rural economy including farm diversification schemes. The policy further states that large scale agricultural related development will be required to demonstrate that there are no unacceptable adverse environmental impacts.

6.1.4 Policy CS6: Sustainable design and development principles emphasises how development must be designed to a high standard using sustainable design principles and make the most effective use of land whilst safeguarding natural resources.

6.1.5 Policy CS13: Economic development, enterprise and employment, puts emphasis on diversifying the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth and in rural areas recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy and in particular areas of economic activity associated with agricultural and farm diversification.

6.1.6 With regard to the Shropshire Council SAMDev Plan, Policy MD7b (General Management of Development in the Countryside) states that agricultural development will be permitted where proposals are appropriate in size for their intended purpose, well designed and sited close to existing farm buildings, and where there no unacceptable impacts on the environment and existing residential amenity. Policy MD12 (Natural Environment) seeks the avoidance of harm to Shropshire's natural assets and their conservation and enhancement and restoration.

6.1.7 The policies referred to above support appropriate agricultural economic growth and diversification having regard to the local environment.

6.1.8 The development is generally considered to be an appropriate form of farm diversification for the existing family owned business. Accordingly the development is considered acceptable in principle and accords with the above Core Strategy Policies.

6.2 **Siting, scale and design**

- 6.2.1 The four buildings are to be constructed in the same layout as approved previously. Sheds 1 and 2 which are to be modified are to be positioned to the south of the group. Overall, the buildings have a significantly reduced footprint overall, though this benefit is partly offset by two buildings being 33% higher than before.
- 6.2.2 A 200kw solar panel array will be installed on the south facing roofs of Sheds 1 and 2 as before.
- 6.2.3 Having regard to the approved scheme, the alterations are considered acceptable in terms of design and scale.
- 6.2.4 In all other respects, development approved under 16/04518/EIA remains the same.
- 6.3 **Visual impact and landscaping**
- 6.3.1 Given that two buildings will be 33% higher, it is accepted that it may be more difficult to screen them out completely, especially from short-medium range ground level views. However there is still considered to be potential to secure an adequate landscaping scheme by way of condition to mitigate the impacts
- 6.3.2 From longer range viewpoints, the mass of development is likely to be noticeably less than the previous approved scheme, and the height increase not discernible.
- 6.3.3 On balance, taking the above into account, it is considered that the changes are acceptable and will not materially impact upon the scheme.
- 7.0 **CONCLUSION**
- 7.1 Overall, the 33% increase in height of the two of the buildings is considered acceptable, and will only have a small visual impact from shorter range views. As before, a landscaping scheme will be required by condition and is considered sufficient to mitigate any additional impacts. No other material objections have been raised as an issue.
- 7.2 Planning permission is recommended
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning

issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

Core Strategy and Saved Policies:

National Planning Policy Framework

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

RELEVANT PLANNING HISTORY:

11/00258/VAR Variation of condition number 2 attached to Planning Permission Ref. 04/0804 dated 30/07/2004 to allow an increase in the height of the eaves GRANT 18th March 2011
11/05062/AGR Erection of an agricultural storage shed PNAGR 23rd November 2011
14/01387/AGR An open plan, portal framed agricultural building. PNR 17th April 2014
14/04411/FUL Erection of additional building on the eastern elevation of the recently approved storage building (planning ref: 14/01387/AGR). GRANT 26th November 2014
14/04412/FUL Erection of additional building on the western elevation of the recently approved storage building (planning ref: 14/01387/AGR) GRANT 26th November 2014
15/00178/SCO Proposal for 4 poultry buildings with feed bins and ancillary equipment and amendments to access SCO 13th February 2015
15/00548/DIS Discharge of Condition 3 (Drainage) on Planning Application 14/04411/FUL for the erection of additional building on the eastern elevation of the recently approved storage building (planning ref: 14/01387/AGR). DISAPP 12th February 2015
15/00549/DIS Discharge of Condition 3 (Drainage) on Planning Application 14/04412/FUL for the erection of additional building on the western elevation of the recently approved storage building (planning ref: 14/01387/AGR) DISAPP 12th February 2015
15/04709/EIA Erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access WDN 29th September 2016
16/04518/EIA Erection of four poultry sheds, feed bins, solar photovoltaic panels and ancillary equipment, creation of access tracks to the site and alterations to existing vehicular access (Amended scheme). GRANT 7th March 2017
17/02522/VAR Variation of condition number 2 (approved plans) attached to planning application reference 16/04518/EIA dated 07/03/2017 to allow alterations to the layout of sheds 1 and 2 (amended description) PDE

[View details online:](#)

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

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings including those of 16/04518/EIA unless otherwise varied by this permission.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

4. Prior to the commencement of works, (including demolition, ground works and vegetation clearance) a landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Means of enclosure, including all security and other fencing
- b) Hard surfacing materials
- c) Minor artefacts and structures (e.g. lighting)
- d) Planting plans, including wildlife habitat and features (e.g. bat box)
- e) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- f) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
- g) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- h) Implementation timetables

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

5. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the ditch, put in place within the site to protect the ditch during construction works. No access, material storage or ground disturbance should occur within the buffer zone unless previously agreed in writing by the Local Planning Authority. The fencing shall be as shown on the approved site plan HPJ9242-05 A Received 24 May 2017.

Reason: To protect features of recognised nature conservation importance.

6. 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 development site is known to have archaeological interest

7. Prior to the commencement of development full engineering details of the proposed levelling and surfacing works as outline under point no. 9.15 within the Environmental Statement, shall be submitted to and approved in writing by the Local Planning Authority; the amendments to the access entrance apron onto B5062 shall be fully implemented in accordance with the approved details before the development hereby permitted is first occupied.

Reason: To provide a satisfactory means of access to the site in the interests of highway safety.

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

8. The proposed works to the private drive, internal access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved plans drawing no's HPJ9242-03 Rev B and HPJ9242-05 RevA received 24 May 2017 prior to the poultry units first being brought into operation. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

9. A total of 4 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

10. Prior to occupation, a 'lighting design strategy for biodiversity' for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

11. The access road from the B5062 public highway shall not be used by HGVs in connection with the development between the hours of 2300hrs and 0700hrs the following morning.

Reason: To protect the amenity of residential dwellings during night time hours.

12. Surface water disposal will take place in full accordance with the submitted Flood Risk Assessment (FRA) report reference: 2003/FRA Version 1 dated July 2015 and drainage plan reference HPJ9242-07 Revision B dated August 2015 received 24 May 2017.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

13. The development hereby approved shall not be used to house any more than 132,000 birds in total.

Reason: To ensure the scale of development does not exceed the capacity of the access route and highway network, and to protect the amenity of residential dwellings.