

Date: Thursday, 4 July 2019

Time: 2.00 pm

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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CENTRAL PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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CENTRAL PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date: 4 th July 2019		
<p>NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting</p>		
Item No.	Application No.	Originator:
5	18/04965/FUL Proposed Crematorium	Applicant's agent and noise consultant
<p>In response to concerns raised by a local resident regarding the applicant's updated noise report, the applicant's agent has confirmed the following:</p> <ul style="list-style-type: none"> - Query: both noise surveys were carried out from points along the old A5 rather than adjacent to the new A5 which is a major omission given the building is to be sited very close to the new A5 boundary - <i>Noise consultant and applicant's agent's response: The position was chosen in order to minimise the impact of road traffic sound from A5 on the results of the background and helicopter noise surveys. [in doing this REC were clearly trying to focus on other noise that may affect the site, i.e. perceived helicopter noise, as opposed to the 'known' noise source of the A5]</i> - Query: noise monitoring point no. 2 was not set in 'free field' conditions as the Sound Meter was spotted numerous times in the hedgerow - <i>Noise consultant and applicant's agent's response: A 'free field' measurements position is defined as being situated 3.5m from a reflective surface. Installing a sound level meter in a hedgerow is considered standard practice in order to secure the meter in a secure area. [i.e. using the word 'field' does not mean that the meter needs to be in the field itself]</i> - Query: the Sound Meter at NMP2 but was not in position between 2.45 pm and 4.15pm on 26/3/19 yet the Noise Assessment results show readings from NMP2 during that time period which asks questions about the genuine validity of the survey. - <i>Noise consultant and applicant's agent's response: The meters were swapped on the 26th in order to ensure that the battery would last across the 2 week period. The meter from week 1 was collected at 13:02 and the new meter was installed at 13:12, we have the time line data from the survey to show this if required? [showing that the objectors are trying increasingly desperate measures to rubbish our application, and presumably to attempt to try and cast doubt into the minds of the committee members. I trust that you will forcibly make any representations on our behalf at committee to defend our application from this, or any type of other non-fact based comments that are made by any objectors? As you know planning applications should be decided on the planning merits of the application at that time and should not be affected by hearsay and speculation. We have submitted a sound planning application which is based on fact and planning policy. Our application has been constantly under attack on this basis and we have had to defend our application because of this hearsay and speculation. Again I trust that you and your colleagues will defend your recommendation, which is based on sound planning policy and fact. I copy words from your website "In the council's opinion, the public doesn't have a 'right to a fair hearing' at planning committee meetings under Article 6 of the European Convention of Human Rights. The procedures for public speaking at committee are permissive, and don't arise from any obligation." We hope that the planning committee adheres to the Councils own procedures and is not swayed by arguments which are not based on planning</i> 		

fact.]

- Query: despite the email of 3/6/19 on Planning Portal from the officer to the applicant requesting the new noise survey logs helicopter activity it fails to do so. There was a period of night flying during the March survey period which the applicant fails to acknowledge
- *Noise consultant and applicant's agent's response: The crematorium would not be operational at night so night-time readings have therefore not been included.*
- Query: RAF Shawbury have made it clear that by mid 2019 helicopters will be flying persistently over the area and over the site – we now have helicopter activity everyday. Flights will not be halted or re-directed
- *Noise consultant and applicant's agent's response - we will make separate comments on this matter in light of the recent letter from the MOD, dated 24th June 2019*
- Query: Westerleigh can not mitigate for overhead noise or the vibration of buildings caused by low flying helicopters
- *Noise consultant and applicant's agent response: The noise level have been assessed over a two week period and appropriate mitigation measures have been recommended. [the 2-week period being as requested by the LPA]*

Item No.	Application No.	Originator:
5	18/04965/FUL Proposed Crematorium	Applicant's agent
<p>In response to the MOD's comments on the additional information submitted (including updated noise report), the applicant's agent has made the following comments:</p> <ul style="list-style-type: none">- Previously, MOD were suggesting increased flying within the area within 2019; this is now stated to be late 2019 or early 2020- MOD still refers to a perceived increase in flying within the area, which is completely superficial – the word 'expected' is used no less than 5 times within the letter (and the word 'likely' on 3 occasions) with reference to a potential increase in flying within the area.- no guarantee whatsoever that these increases will occur. These bases could equally close within the next 6 months and no flying will occur within the area at all (equally as superficial as the MOD's comments)- MOD's comments that noise survey is not a true representation of expected helicopter activities is nonsensical as we cannot measure and quantify something that isn't happening- The new survey did pick up on helicopter noise and considered it not to be detrimental to the proposed use of the site. Perhaps this is because it is not such an issue as is perceived by the MOD or perhaps the aircraft are further from the site than they are advising (misleadingly)?- MOD reference other noise from the site (blank firing and explosives) without any evidence of use, timings, frequency, etc., so this is not evidence to support their case.- The potential flight path described within the letter is also nonsensical, especially as we are aware that the helicopters cannot fly over Kinton and Kynaston. Also, sorties from RAF Shawbury fly to 2 other training basis in the area, not just Nesscliffe.- Suggestion that we cannot adequately monitor noise levels at the site until the MOD's flying increases in 2020, is frankly ridiculous.- Future harm is not a valid reason to refuse planning permission, nor is it a material		

- consideration that can be used in the determination of a planning application.
- As you are aware, Westerleigh are not shy of appealing their planning refusals, so there should be no doubt that we will lodge a planning appeal, and apply for costs against the Council, should this application be refused.

Item No.	Application No.	Originator:
5	18/04965/FUL Proposed Crematorium	Case Officer

The applicant's agent has acknowledged that the original noise report did not contain any mitigation measures for external areas, but that the new noise report does. As noted in para. 6.5.22 of the committee report, the new noise report recommends that, where a suitable level of noise is required in the memorial gardens, a 2.4 metres high acoustic barrier can be constructed along the boundary with the A5(T). At the time of writing the report, details of the location of the acoustic barrier had not been submitted.

The applicant's agent has now submitted plans showing the location of the proposed acoustic barrier. These plans will be included in the presentation to committee. The barrier is proposed to be in the form of a 2.4 metres high acoustic fence to run along the south-western boundary of the site adjacent to the A5(T) for a distance of approximately 400 metres. Officers consider that this is likely to have an adverse impact upon the visual character of the area. However from the A5(T) it is likely to be largely obscured by intervening trees and hedgerow. In addition, the proposed landscape planting, as it establishes, would be expected to significantly reduce its visibility and impact in the area.

Officers consider that, if permission is granted, a condition should be imposed to require that the full details of the acoustic barrier are submitted for approval. The wording of such a condition is included as condition 7 of the committee report.

Item No.	Application No.	Originator:
5	18/04965/FUL Proposed Crematorium	Local residents

Two further objections have been received, raising the following matters:

- Additional and unwanted traffic through village, contrary to reason by bypass was built
- Lack of data on the two crematoriums currently used
- Pollution, including mercury
- Appearance - not thoughtfully designed, the visual adverse impact on open space and the open character of the area, including impact on the setting of Nesscliffe Hill
- Nesscliffe has already had planning commitments that will more than double the number of houses in the village. This development could jeopardise the development because the development of this site extends development north of the village
- cumulative impact on potential new families/residents being put off joining the community and stopping the growth of the school
- the additional assessment of need report is not independent; the consultant was recommended by the applicant, and paid for by the applicant;
- no assessment of need for the specific location at Nesscliffe against other locations; the report simply repeats the applicant's information
- the applicant's email of 21st May subjects the planning officer to intense pressure with an intimidating tone
- additional noise survey is valueless as carried out before increase in RAF Shawbury helicopter activity, to begin mid 2019; sortie plan information from RAF Shawbury seems to have been ignored
- RAF Shawbury activity along with the background noise of gunshot and

- explosions from Nesscliffe Training Area are not the backdrop to a crematorium, which should wholly take account of a peaceful setting
- significant increase in noise associated with regular emptying of chicken sheds in close proximity
 - query why noise levels not been monitored along the A5 bypass boundary where it is most relevant
 - noise and odour pollution at site would be far more distressing and outweigh benefits of reduced travel time
 - hugely negative impact on the community and would entirely change the village of Nesscliffe forever
 - neither of the two requirements requested by the Committee have been met, on this basis alone I believe the Committee should reject this application
 - if permitted in spite of the many concerns, it should be conditional on the operators having no redress or complaint against the owners and operators of the chicken farm for smell or noise, or against the MOD for the low flying helicopters or military training operations at the Nesscliffe training camp disturbance from noise and vibration; totally wrong for existing established businesses and operators to have restrictive conditions placed on them in the future when the applicant has been made fully aware of the likely problems
 - concerns of the planning committee members have not been properly addressed: committee asked for an independent survey to be commissioned by the Council to examine the geographical distribution by age of the population of Shropshire in relation to existing and proposed crematoria both within the County and in adjacent Counties. The survey, which appear to have been commissioned and paid for by the applicant, a commercial enterprise, attempts to justify the existing site: this is not what the Councillors asked for. The minutes state: "Members raised concern regarding the location of the proposal and suggested that Shropshire Council as an authority should be deciding on the location of such a facility and therefore considered that a more independent need assessment was required"
 - the need report does not indicate where existing crematoriums are, or of the demographics around them
 - should be refused unless a proper independent demographic survey of the needs of Shropshire is carried out
 - misleading that the two new plans submitted [of acoustic barrier] do not show the chicken farm immediately adjacent to the proposed planning site on the other side of the A5
 - site does not comply with recommendations of Federation of Burial and Cremation Authorities on the establishment of crematoria as site is neither quiet nor secluded; shooting currently takes place a short distance to the north-east, on Tuesdays and other shooting locally on other days; regular gunshot and other sounds from Nesscliffe Training Area;
 - RAF have confirmed that the A5 over bridge just to the north of the site is used as a helicopter 'waypoint' for the Training Area
 - Traffic to/from industrial estate at Kinton, and elsewhere
 - Smell and noise from chicken farm; application to extend and build manager's house
 - Noise from agricultural machinery working the land
 - Impact on landscape of proposed acoustic fence
 - No roadside footway to site; not accessible by public transport
 - Site likely to hold archaeological features
 - Impact from landscaping
 - Existing Shrewsbury crematorium already has spare capacity
 - No community support
 - Query whether conditions of Crematorium Act 1902 are met re burial and

- scattering of ashes
- Visible from local school

Planning officer response:

The Committee report has assessed the likely impacts of the proposed crematorium on the local area. It recognises that the proposal will have some impacts but considers that, on balance, these are outweighed by the benefits.

Item No.	Application No.	Originator:
5	18/04965/FUL Proposed Crematorium	Great Ness and Little Ness Parish Council

The Parish Council have made the further comments below:

The Parish Council object to the proposed development of a crematorium on this greenfield site outside of the proposed development boundary of Nesscliffe and in the shadow of Nesscliffe Country Park. Nesscliffe is identified as a community hub in SAMDEV and was allocated 30 additional houses to 2026. To date, circa 75 additional homes have been built or under construction and there are extant planning permissions for in excess of 100 homes in total. This will more than double the size of the village. The parish council therefore has significant concerns about the cumulative impact of the additional housing and crematorium on Nesscliffe.

The crematorium will generate a significant amount of additional traffic through Nesscliffe. The parish council disagrees with the applicant's assertion that traffic calming is not necessary because the cortege will travel slowly. Corteges are only a proportion of the traffic which will drive to the facility and without traffic calming there will be no way of controlling the speed of other traffic associated with the crematorium. The Bridleways Association have had to ask for bridleway signs already due to safety concerns for horses from increased traffic. The road through Nesscliffe was previously the main A5 and therefore has the appearance of a road on which cars may travel at speeds in excess of 30 mph. Given that many users of the crematorium will be from a wide surrounding area and unfamiliar with the area, this may lead to them perceiving it to be a higher speed road than it is and lead to speeding. Combined with this, people attending funerals will be in an emotional state which may impair their awareness of road conditions and what speed is appropriate. Housing developments locally of a much smaller scale in terms of traffic generation have been required to deliver traffic calming at the Oswestry end of Nesscliffe and therefore given the significantly higher amount of traffic generated by the crematorium, the parish council questions why this development does not meet the legal test to provide traffic calming? During the operational period of crematorium, school children will be crossing on this road and it is critical that traffic therefore travels at appropriate speeds.

The Parish Council notes the needs study which has been prepared and is concerned that the study has not looked at if this is the best place in Shropshire for a crematorium and has only looked at Nesscliffe. The 45-minute drive time catchments used are too large and unrealistic; it is questionable whether people from areas such as Newtown, which are within 45 minutes, would realistically use a crematorium at Nesscliffe. The needs study seems to be calculated based on peaks of needs and should have been based on average need.

The crematorium is on a flying route critical to the operations of RAF Shawbury and the army camp. The MoD have made clear that the noise survey is meaningless as it was not undertaken at periods that are reflective of forthcoming operational levels of flying in the area. The parish council is concerned about the impact of the development on RAF Shawbury and the army camp, both of which are critical employers locally. The

crematorium itself will generate little employment.

From an amenity point of view, the parish council is also concerned that it is not appropriate to site a crematorium in an area where there are strong odours from surrounding land uses, such as onion growing and chicken farming. There will be adverse impact on the amenity of houses in a close vicinity to the crematorium.

The proposed crematorium is also set at the foot of Nesscliffe Country Park and will have a negative impact on the amenity views from this area, which is in the process of being designated as a protected open space.

In summary, the parish council feels that the development of a crematorium is not needed at this location and the cumulative impact on the village of Nesscliffe, given the excessive levels of development permitted in the area to date is a key concern. We therefore respectfully asked that this application is refused and if it is to be granted it is essential that conditions and measures are put in place to recognise the need for measures to mitigate the over-development of Nesscliffe, including traffic calming.

Item No.	Application No.	Originator:
5	18/04965/FUL Proposed Crematorium	SC Highways
<p>The additional information submitted (need report; noise report; and acoustic barrier plans) does not alter the previous highway advice, other than that the plan ref. in one of the recommended conditions should be updated.</p> <p><u>Planning Officer comments:</u> It is recommended that, if permission is granted, condition 12 is worded as follows: <i>"12. Prior to the development hereby permitted being first brought into use, the access layout and visibility splays shall be implemented in accordance with Drawing OSWO1_P(0)003 rev G.</i> <i>Reason: To ensure a satisfactory means of access to the highway."</i></p>		
Item No.	Application No.	Originator:
5	18/04965/FUL Proposed Crematorium	Applicant's noise consultant
<p>The applicant's noise consultant, REC, has provided the following additional comments in relation to the MOD's comments:</p> <p>The main concern raised by the MOD was that the number of flights during the 2-week survey period is not considered representative of a typical scenario. The MOD have stated that 16 flights took place over the 2-week survey period. Therefore, movements associated with low flying helicopter movements have been included within the 2-week survey period.</p> <p>The trace data from the noise survey has been analysed; however, no desirable periods of elevated noise could be identified as helicopter movements due to the dominance of road traffic sound across that Site. This implies that the impact of aircraft flights is considered negligible due to the intermittent nature of the aircraft movements. Even with the additional moments proposed by the MOD road traffic sound would remain the dominant noise source.</p> <p>In order to demonstrate the dominance of road traffic, an additional assessment has been completed to show the perceptible changes in noise levels. The previous assessment used a change in ambient noise level assessment, by logarithmically adding the calculated specific level to the average measured ambient sound level. The assessment below compares the lowest measured 1-hour noise level to the highest in</p>		

order to see if there is a perceptible difference, a change of 3dB considered only just perceptible to the human ear.

The assessment has used the highest measured 1-hour noise level noise during operational hours (08:30 to 17:00) to account for low flying helicopter activity. It can be seen in Table A4 of Appendix IV (report ref AC105932-2r1) that elevated noise level where experienced between 08:00 – 09:00 and 16:00 – 17:00 due to rush hour road traffic therefore these periods have been removed from the assessment.

With regard to assumptions for the assessment, the following has been considered:

- The daytime period has been assessed as activities are only likely to occur during the daytime period. Therefore, the assessments are based on the hourly ambient and specific noise levels between these time periods;
- The highest measured LAeq 1hour sound pressure levels during the surveys have been taken to inform a worst-case assessment between 09:00 and 16:00; and
- The lowest LAeq 1hour sound level in between 09:00 and 16:00 has been used, in order to remove the impact of rush hour traffic.

Table 1 compares the lowest LAeq 1hour to the highest LAeq 1hour during the periods in which low flying helicopter movements can take place.

[Table 1 is available on the planning register].

Table 1 indicates that, during typical weather conditions, the largest difference in noise levels during the time in which low flying aircraft can operate is 3dB. A 3dB change in noise level is considered only just perceptible to the human ear; this is an indication that no notable changes in noise levels were noted through the measurement period.

It should also be noted that the dominant noise across the site is that of road traffic from the A5. This is reflected in the results. In order for the helicopter movements to impact the existing ambient LAeq 1hour hour level an equivalent sound power level would be required across the 1-hour period.

In conclusion, the impact of aircraft flights is considered negligible due to the intermittent nature, and due to the dominance of steady state road traffic sound across the Site. As the presence of helicopters is not discernible above background noise levels, if the numbers of helicopters were to increase, this would not affect the use of the site, as the noise would still not be heard above the background levels.

Item No.	Application No.	Originator:
5	18/04965/FUL Proposed Crematorium	Applicant's solicitor
Irwin Mitchell, applicant's solicitors		
<u>Officer's summary:</u>		
Whilst it is formally open to your council to reconsider all the matters that were before the committee last time, there has been no material or other change in circumstance relating to any of these, and they were deemed acceptable in March.		
The PMA report states that there is a compelling quantitative and qualitative need for this facility in this location. Those conclusions are exactly the same as those of the applicant's own consultants. There is no contrary evidence from any source. Consequently there are no grounds to refuse the application on lack of need for the facility.		
The applicant has carried out two acoustic		

environmental health officers. The reports make clear that the ambient background noise on the site – largely from the A5- is such that all the existing helicopter flights are lost in that background noise.

As the variation in noise levels between average and maximum noise in any hour is not more than 3dBA – a change barely perceptible to the human ear – flights area clearly not having any discernible effect.

Even if flights were to increase, as suggested by the RAF and the MOD, these still would not have an adverse effect on the operation of the proposed crematorium.

Would be a very strange reason indeed for a planning refusal to deny permission on the basis of what might happen on third party land (bearing in mind that the date for the possible increase in flights has already slipped back during the consultations on the application) when that third party has not even formally objected to the planning application, particularly when that third party has statutory responsibilities.

Simply no basis to refuse permission on the basis of possible future increases in helicopter flights, which may not happen, or may not happen as much as currently planned or hoped envisaged, and where acoustic evidence is that the existing flights do not make any or any perceptive difference to background levels.

Item No.	Application No.	Originator:
6	18/00130/EIA Kinton poultry	Case Officer

As noted in the Committee report, officers consider that the submitted Environmental Statement is deficient as it does not include information that is statutorily required under the relevant Environmental Impact Assessment regulations. Officers have previously formally requested that further information is submitted to overcome these deficiencies. However this information has not been provided within a reasonable timeframe and the applicant has not indicated that the further information is to be submitted.

Following the publication of the committee report the applicant's agent has requested that the application is deferred for consideration at a future Planning Committee to enable any shortcomings in the EIA to be rectified.

Officers consider that the applicant should be given further opportunity to provide the further information that has been requested. Once this has been submitted, it would be subject to a further round of consultation and an updated Committee report can then be reported to a future Committee meeting. Members are therefore requested to agree to defer consideration of this application.

Item No.	Application No.	Originator:
7	16/02395/FUL	Neighbour; J Lovegrove-Fielden

I am (1) the registered owner of Manor Lane and (2) the registered *Street Manager* of Manor Lane.

I have not previously commented on the latest amended proposals made to this application on 22nd March 2019 as I was awaiting further information to be put forward by the applicant. However, now that the application is being considered at the 4th July Committee meeting, I write to confirm the following points of which I would be grateful if you would make the committee aware: -

- i) I own Manor Lane. The applicant has a right over it for agricultural purposes and no more.

As I object to the application I will deny access for any purpose which is not agricultural. To give credence to this statement when the late Mrs. Adams of Middle Farm, Longden was drawing up terms with Onions and Rowley Ltd in 1976 to develop what is now Well Mead Lane both parties approached my grandmother, the late Mrs. N. L. Fielden, who owned the full length of Manor Lane right up to the main road, for permission to obtain access over Manor Lane from the entrance to Well Mead Lane to the main road which she duly granted to them. As a result the development duly proceeded.

- ii) The state of Manor Lane from the junction with Well Mead Lane is potholed and poor. It is made from quarried stone and has no tarmac on the first section leading to the applicants' proposed entrance. The state of this section is the result of a policy drawn up in 1959 by my grandmother when she owned it. I confirm that policy **has and** will continue unchanged. In short it can never be improved from its current potholey condition with no pavement.
- iii) I will not allow any services or media cabling to be put in to Manor Lane.

I hope that this gives your committee the clarity to agree with your officers' recommendation.

Item No.	Application No.	Originator:
7	16/02395/FUL	Alexander Macdonald agent for objector

I note your Committee Report, in respect of the above. You will recall my letter and attachment of 7th May, and am grateful that many of the points raised appear to have been incorporated in the report.

I am a little concerned that the report could be misleading in so far as paragraph 2.3 is concerned and would be grateful if that could be corrected at committee. Paragraph 8 of my letter highlighted the location of the public right of way and I attached a copy of the Council's Map.

Manor Lane commences at the main road through Longden, terminating in the turning head from which Well Mead Lane takes its access. Manor Lane existed as a private road, long before Well Mead Lane was constructed. The first section of Manor Lane was incorporated into the Well Mead Lane Housing development and I believe Jonathan Lovegrove-Fielden has filled you in on some of the detail and negotiations that took place at the time.

There is clearly a public right of way on the adopted section of Manor Lane. There is the public footpath that comes through the application site from the north until it meets Manor Lane, at which point it turns westwards away from the village. There is then a short section of Manor Lane between the adopted turning head and the public footpath on which there is only a permissive right. That right can be withdrawn and that was the point in the earlier letter. I attach a copy of the applicant's plan on which I have added notes. I would be grateful if this could be made clear to the Committee as I fear the existing wording suggests there is a public right along the full length of the affected part of Manor Lane. If there is any doubt and it is practical, I am sure **someone from LVAG** will be able to point out the limits.

Item No.	Application No.	Originator:
7	16/02395/FUL	Agent for applicant

Unfortunately due to other commitments we are not able to attend the Committee Meeting regarding the above item. Please accept this as a late letter which sets out the comments we would have made:-

Approval was previously recommended for approval but concerns were expressed over impact on

trees on Manor Lane but these issues have been satisfactorily addressed as there is no need for construction vehicles including delivery vehicles to access the site via Manor Lane. Alternative access for such vehicles would be via a temporary surface to be placed on top of the field providing access to Plealey Lane. This surface would be similar to temporary roads that serve festivals and outdoor events and will be removed in its entirety once construction work has ceased. Access to the dwellings once occupied would be via Manor Lane over which our client has full rights to access his land.

Previously the site was considered by Officers satisfactory for development and was recommended for approval. At that time the site was and remains part of a larger field and with undefined boundaries. What has changed to this interpretation is unknown as the site remains the same but has the advantage of being served during construction by a temporary road.

The proposal is a full application, is deliverable, will provide 5 bungalows a type of dwelling needed in Shropshire, the site is contiguous to the village as it adjoins the Church and the footpath predominantly serving the school.

The development implies no future development of the remainder of the field and therefore a decision can only relate to the application as submitted.

Refusal reason 3 has been addressed by the submission of the ecological report.

We should be grateful if you would bring these comments to Members attention accordingly