

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

Date: Monday, 8 December 2014

Committee:
North Planning Committee

Date: Tuesday, 16 December 2014
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Arthur Walpole (Chairman)
Paul Wynn (Vice Chairman)
Joyce Barrow
Martin Bennett
Gerald Dakin
Steve Davenport
Pauline Dee
Vince Hunt
David Lloyd
David Minnery
Peggy Mullock

Substitute Members of the Committee

Nicholas Bardsley
John Cadwallader
Karen Calder
Steve Charmley
Peter Cherrington
Andrew Davies
Ann Hartley
Simon Jones
Brian Williams
Thomas Biggins
Roger Hughes

Your Committee Officer is:

Shelley Davies Committee Officer
Tel: 01743 252719
Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 10)

To confirm the Minutes of the meeting of the North Planning Committee held on 18th November 2014, attached, marked 2.

Contact Emily Marshall on 01743 252726.

3 Public Question Time

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

4 Disclosable Pecuniary Interests

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

5 Broughall Fields Farm, Ash Road, Whitchurch, Shropshire, TF8 7BX (14/01398/MAW) (Pages 11 - 56)

Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works.

6 Land South of Chapel Lane, Norton in Hales (14/01426/OUT)

Outline application for the erection of 16 open market dwellings and 3 affordable dwellings to include access (Report to follow).

7 Proposed Residential Development Land East of Teal Drive, Ellesmere, Shropshire (14/03370/FUL) (Pages 57 - 76)

Erection of 68 dwellings to include on-site open space provision.

8 Land South of 54 Red Bank Road, Market Drayton, Shropshire (14/03759/FUL) (Pages 77 - 86)

Erection of a pair of semi-detached dwellings.

9 Lllysfield Nursing Homes, 129 Middleton Road, Oswestry, Shropshire (12/01381/FUL)

Erection of 2 No two storey extensions and highway visibility improvements (Report to follow).

10 Appeals and Appeal Decisions (Pages 87 - 88)

11 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 20th January 2015, in the Shrewsbury Room, Shirehall.

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Committee and Date

North Planning Committee

16th December 2014

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 18 November 2014

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

2.00 - 5.44 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 252726

Present

Councillor Arthur Walpole (Chairman)

Councillors Paul Wynn (Vice Chairman), Joyce Barrow, Martin Bennett, Gerald Dakin, Steve Davenport, Pauline Dee, David Minnery, Peggy Mullock and John Cadwallader (substitute for Vince Hunt)

85 Apologies for Absence

Apologies for absence were received from Councillor V. Hunt (substitute: J. Cadwallader) and Councillor D. Lloyd.

86 Minutes

Councillor Dakin requested that Minute 74 of the meeting held on 21st October 2014 be amended to reflect the declaration he made in relation to planning application 14/02914/FUL as the Land Owner of the Site was Councillor Paul Wynn and was known to him and other members of the North Planning Committee.

That subject to the above amendment the Minutes of the meeting of the North Planning Committee held on 21st October 2014 and the Special Meeting held on 24th October 2014 be approved as a correct record and signed by the Chairman.

87 Public Question Time

There were no public questions, statements or petitions received.

88 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.

Councillor David Minnery declared that as local ward Councillor for planning applications 14/04701/OUT (Land on both sides of Rush Lane) and 14/03782/OUT (Land Off Greenfields Lane, Market Drayton) he would make a statement on the

applications, but would take no part in the debate and would not vote on this application due to perception of bias.

89 Proposed Residential Development Land On Both Sides Of Rush Lane Market Drayton Shropshire (14/04701/OUT)

The Principal Planning Officer introduced the outline application (access for approval) for mixed residential development (up to 162 dwellings), associated open space and landscaping (resubmission) and drew Members attention to the schedule of additional letters.

Ms Sandra Kiessling on behalf of the Friends of Rush Lane Group, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- Over 400 people had objected to the application;
- Shropshire had a 7 year housing supply and the Shropshire Housing Market could not sustain further development;
- The development was on agricultural land which was also within flood zones 1 and 2;
- The developer was acting illegally by proposing to block Rush Lane;
- The development would result in additional pressure on the already strained pumping station and could lead to sewerage flooding the area; and
- The local medical practice had reached its capacity and there were few employment opportunities within Market Drayton.

Mr Laurie Lane, the applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- Concerns of local residents had been responded to through the public consultation exercise;
- The new road layout and roundabout would calm traffic in the area and was on land that was within the applicant's ownership;
- A Master Plan had been prepared in consultation with the various landowners; and
- The proposals were acceptable and in accordance with the principals of the National Planning Policy Framework and the Core Strategy, the benefits were not outweighed by the harm.

In response to comments made by the speaker, the Principal Planning Officer confirmed that parts of Rush Lane were in shared ownership. The applicant had put forward two proposals to enable vehicles to cross Rush Lane, but not turn into it. These details would be submitted as part of the Reserved Matters.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor David Minnery as the

local Ward Councillor, made a statement, and left the room, took no part in the debate and did not vote. During his statement the following points were raised:

- Requested that if Members were minded to approve the application, they supported a roundabout rather than a T junction;
- In order to calm traffic, a lower speed limit should be implemented; and
- Requested that the application for Reserved Matters should come back to the North Planning Committee for consideration.

Whist acknowledging that the site was within the area identified for development within Market Drayton Members agreed that the application for Reserved Matters should come back for consideration by the North Planning Committee.

RESOLVED:

That Planning Permission be granted in accordance with the Officer's recommendation, subject to;

- The application for Reserved Matters being considered by the North Planning Committee;
- The applicants entering into a S106 agreement to secure affordable housing and a contribution towards public transport; and
- The conditions set out in Appendix 1.

90 Land off Greenfields Lane, Market Drayton, Shropshire (14/03782/OUT)

The Principal Planning Officer introduced the outline application (access for approval) for the residential development of up to 250 dwellings, to include demolition of existing structures on site, formation of new vehicular access from the A53 and Hampton Drive and drew Members' attention to the schedule of additional letters. The Principal Planning Officer confirmed that the recommendation should be amended to grant delegated powers to officers to approve the final access arrangements.

Ms Sandra Kiessling on behalf of the Friends of Rush Lane Group, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees and stated that she wished to reiterate her comments in relation to the previous application.

Mr Richard Barton, the applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- The Planning Officers report was very thorough;
- He was happy to withdraw one of the access points in accordance with the Planning Officers views; and
- The Environment Agency had confirmed to the applicant that they would withdraw their objection.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor David Minnery as the local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote. During his statement the following points were raised:

- He wished to reiterate his comments made on the previous application;
- He was pleased to note the applicant's agreement to withdraw one of the access points;
- He was concerned about the access of Hampton Drive and requested that further detail come back to the North Planning Committee at the Reserved Matters stage; and
- All access to the site should be via the A53

The Principal Planning Officer confirmed that the recommendation was to delete the junction from the A53, explaining that the access of Hampton Drive allowed the sites at Rush Lane and Greenfields Lane to be developed individually and would be the only means of access during the first phase of development. In response to Members concerns regarding the number of houses that the access from Hampton Drive could support, the Principal Planning Officer confirmed that this could be limited with an additional Condition.

RESOLVED:

That the Area Planning Manager/Principal Planning Officer be granted delegated powers to issue Outline planning permission subject to:

- The satisfactory resolution of the outstanding ecology matters;
- The removal of the objection from the Environment Agency;
- The deletion of the junction from the A53;
- The applicants entering into a S106 agreement to secure affordable housing and a contribution towards public transport;
- The conditions set out in Appendix 1 and an additional condition to limit the number of dwellings that could be accessed off Hampton Drive (in consultation with Highways DC); and
- Submission of Reserved Matters Application to be considered by the North Planning Committee.

91 Land North Of Whitridge Way Trefonen Shropshire (14/00536/OUT)

The Principal Planning Officer introduced the outline application for the erection of twelve dwellings (to include access) and drew Members' attention to the schedule of additional letters. It was confirmed that Members had attended a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area.

Dr George Nash on behalf of the Trefonen Rural Protection Group, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised;

- The Group felt let down by English Heritage and Planning Officers;
- Offa's Dyke was an internationally recognised heritage asset along with the 'gutter' and other non-designated heritage assets;
- The proposed development would have a detrimental effect on Offa's Dyke; and
- Trefonen had already seen heavy development.

Councillor Tony Cheetham, on behalf of Oswestry Rural Parish Council, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised;

- There was overwhelming opposition to the development within the village;
- Access is restricted and would create a pinch point on Chapel Lane;
- There was no sustainable transport system and a lack of public transport; and
- There were no employment opportunities within the village and therefore residents would be reliant on cars.

Mr David Parker, 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 during which the following points were raised:

- The original application was for 13 units however this had been reduced, in response to concerns from local residents;
- The number of smaller semi-detached properties had also been increased;
- The application site was different to another site in Trefonen that had been refused as it had its own access which was a continuation of the existing estate road; and
- The village shop was due to reopen and the local primary school had spaces all of which gave weight to the sustainability of the village

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Joyce Barrow, as the Local Member, made a statement, and then left the room, taking no part in the debate and did not vote. During her statement the following points were raised:

- The site of the proposed development was within Open Countryside and development of the site would be contrary to Oswestry Rural Parish Council's Parish Plan May 2014;
- There was unprecedented opposition to the development within the local community;
- The upland area of Trefonen must be protected, not only the physical monument but also the setting of the Dyke;
- The extra traffic that the development would create would have an adverse impact on the village;
- The development was not sustainable; and
- The unique character of Trefonen would be damaged.

During the ensuing debate, Members expressed concern at the cumulative effect of the loss of further valuable agricultural land, along with the potential harm to the

intrinsic rural character of the village and the Designated Heritage Asset (Offa's Dyke) and considered that the harm caused by the development would cumulatively, significantly and demonstrably outweigh the benefits

RESOLVED:

That Planning Permission be refused, contrary to the Officer's recommendation for the following reasons:

It is acknowledged that the housing proposed by the development would contribute economically and socially by boosting the housing supply and would also provide limited support for the existing services in the village. Notwithstanding this however it is considered that this is outweighed by the potential harms identified below. Furthermore weight, albeit limited weight, was given to the fact that the proposed development was not plan led being contrary to both current saved policies of the Oswestry Local Plan and emerging policies in the Site Allocations and Management of Development DPD. Limited weight was given to those policies in view of the age of the saved policies and the fact that the emerging policies are subject to unresolved objections and have not yet been subject to examination in public. It is considered that the development of this site would have an adverse impact on the intrinsic rural character and beauty of the village, take up a visually valuable green space, be development on valuable agricultural land and would not contribute towards conserving and enhancing the natural environment contrary to policies CS5 and CS6 of the Shropshire Core Strategy and the NPPF. Furthermore it is not considered that this development in the settlement is sustainable due to the limited number of services available to future residents in Trefonen and the consequent need to travel to access services but with limited public transport, and opportunities for non-car based travel to do so. The Council considers that the impact the proposed development would have on the internationally recognised designated heritage asset (Offa's Dyke), having regard to the advice of English Heritage and the Council's Conservation Officer also adds weight to the conclusion that the adverse impacts of the development would cumulatively, significantly and demonstrably outweigh the benefits and would fail to satisfy roles of sustainable development as set out in the National Planning Policy Framework.

92 Brogyntyn Hall, Brogyntyn, Oswestry, SY10 7DA, (14/03184/FUL)

The Principal Planning Officer introduced the application for change of Brogyntyn Hall from offices to residential with associated alterations to include demolition of service wing; conversion of Home Farm into 11 residential units; partial demolition of estate office and agricultural sheds; alterations to existing farm house and Dairy Cottage; erection of 50 dwellings within grounds and formation of vehicular access to B4580. The Principal Planning Officer drew Members' attention to the schedule of additional letters which detailed outstanding ecology issues and the concerns of the Council's Arboriculture Officer. The Principal Planning Officer therefore requested that the Committee considered granting planning permission, subject to the satisfactory resolution of these issues. It was confirmed that Members had attended a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area.

In response to questions from members, the Area Planning Manager confirmed that the Section 106 Legal Agreement would be a prescriptive document that would ensure that the appropriate work was undertaken to ensure the future protection of the Hall and prevent any further deterioration. The Legal Officer confirmed that there were a number of enforcement powers that could be utilised to ensure compliance with the terms of a Section 106 Agreement. It was suggested that the Chairman and Vice-Chairman of the North Planning Committee be consulted during the preparation of the Section 106 Agreement.

RESOLVED:

That Planning Permission be **granted** subject to:

- The satisfactory resolution of the outstanding ecology issues and the concerns of the Council's Arboriculture Officer;
- The applicants entering into a S106 agreement to secure the repair and restoration of the grade II* listed building and appropriate phasing of the development, to be agreed by officers in consultation with the Chairman and Vice-Chairman of the North Planning Committee; and
- The conditions set out in Appendix 1.

93 Proposed Dwelling Rear Of The Talbot Inn, Church Street, Ruyton XI Towns, Shropshire (14/03025/OUT)

The Area Planning Manager presented the outline application for the erection of 1 no. dwelling with garage to include access, drawing Members' attention to the Schedule of Additional Letters.

Councillor Ros Slowly, on behalf of Ruyton-XI-Towns Parish Council, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised;

- The Talbot Inn was a very important asset to the village;
- They were saddened that the land had not been sold with the business; and
- Shropshire Council's Highways had acknowledged that there were deficiencies with the access;

Ms Cathy Else, 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 during which the following points were raised:

- The application site was not within the same ownership and the lack of a link between the two had already been established and was not a planning consideration.

In accordance with Rule 6.1 of the Council Procedure Rules contained in Part 4 of Shropshire Council's Constitution, Councillor Bardsley addressed the Committee as a Local Member, during which the following points were raised:

- He had concerns at the Highway arrangements, what was classed as a Class II Country Road was actually a very busy through route and the only access was onto a busy dangerous road;
- A large HGV Depot was located nearby; and
- The Primary School was close by.

RESOLVED:

That planning permission be **granted** in accordance with the Officer's recommendation and subject to the conditions set out in Appendix 1 and the applicants entering into a S106 agreement.

94 Oswestry Smithfield Livestock Market, Shrewsbury Road, Oswestry, Shropshire, SY11 4QA

The Principal Planning Manager introduced the application for a Variation of Condition 40 (approved plans) of planning permission 13/01189/VAR.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Martin Bennett, as the Local Member, made a statement, and then left the room, taking no part in the debate and did not vote. During his statement the following points were raised:

- Members' attention was drawn to the conclusion of the report at paragraph 6.4.8; and
- Commended the report and asked Members to support the Planning Officer's recommendation.

RESOLVED:

That Permission be **granted** in accordance with the Officer's recommendation and subject to the conditions set out in Appendix 1 and the applicant entering into a S106 agreement.

95 The Venue, Burma Road, Park Hall, Oswestry, SY11 4AS (14/00517/FUL)

The Area Planning Manager introduced the application for the extension of existing car park; formation of one full sized football pitch and 6 training pitches, together with associated fencing and lighting. Members' attention was drawn to the Schedule of Additional Letters.

The Area Planning Manager reported an amendment to Condition 12 to restrict use of the floodlights to the same hours as the pitches to ensure that they weren't left on unnecessarily.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation subject to the conditions set out in Appendix 1 with an amendment to Condition 12 to restrict use of the floodlight to the same hours as the pitches.

96 Appeals and Appeal Decisions

RESOLVED:

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

97 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 16th December 2014, in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:

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<u>Committee and Date</u>
North Planning Committee
16 December 2014

<u>Item</u>
5
Public

Development Management Report

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

Summary of Application

<u>Application Number:</u> 14/01398/MAW	<u>Parish:</u>	Whitchurch Urban
<u>Proposal:</u> Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works		
<u>Site Address:</u> Broughall Fields Farm, Ash Road, Whitchurch, TF8 7BX		
<u>Applicant:</u> Grocontinental Ltd		
<u>Case Officer:</u> Graham French	<u>email:</u> planningdmc@shropshire.gov.uk	



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

- 1.3 All offloading of feedstock would take place within a feedstock reception building with an automatic roller-shutter door. The development would involve the following structures:
- Digester Tank: The digester tank would be 30 metres in diameter, with a nominal height of 7.2 metres and a height of 12.5 metres to the top of the gas holder dome. It would be set down 2.5m below the floor level of the reception shed and behind a proposed intervening landscaped screen bund, reducing the height above ground level. The digester tank is where the enclosed AD process and biogas production would take place.
 - Digestate Tank: The digestate tank would be 30 meters in diameter with a nominal height of 7.2 metres. The digestate tank would store the liquid digestate end product prior to its use as a biofertiliser on local farmland.
 - Reception shed: The reception shed would measure 36.57 m x 27.43 m and would house the feedstock clamps for the imported poultry manure and food waste. The building would also house the plants solids feeder and control centre.
 - Feedstock Clamps: The two feedstock clamps would each be 4 metres in height, 60m length and 40m in width and would provide storage for the energy crop feedstocks. They would be located at the south west side of the site.
 - Solids Feeder: The solids feeder would be located in the reception shed and would mix the feedstocks before introducing them into the digester tank.
 - Combined Heat and Power Unit (CHP): Biogas would be utilised by the CHP unit to generate electricity and heat. The gas engine stack would be ill be greater than 7 metres in height and as such can be located within 200 metres of the nearest sensitive receptor.
 - Transformer and substation: The transformer and substation would feed the renewable electricity produced directly to the local grid.
 - Boiler House and Control Room: The AD plant would be monitored and operated from this central control room housed in the reception building.
 - Surplus Gas Burner: During normal operations biogas would be consumed by the CHP gas engine. In the event of surplus biogas production or if the CHP is shut down (e.g. for maintenance) the biogas would diverted to the surplus gas burner for burning, to prevent an overpressure situation arising in the gas holder. This surplus gas burner would ensure no unburned gas is released to the atmosphere.
 - Weighbridge: The weighbridge would weigh produce in and out of the site.
 - Air scrubber: An air filtration system would be housed to the rear of the reception shed and would clean any odours within the building.
 - Pasteuriser: Used to process the digestate so that it becomes a PAS110 accredited organic compost.
 - Bunds: The digester and digestate store would be located on an impermeable base within a fully bunded area to the whole of the working area around the tanks. This would exceed 110% of the capacity of the largest tank.
 - Balancing pool: A balancing pool would be located to the south west of the site. This would act as a further buffer in terms of pollution. Clean water from within the bunded area will be pumped into the balancing pool which would then gradually release the water at a sustainable rate into the existing drainage system. The pool would have a system to stop release in the event of a pollution incident.
- 1.4 The proposed AD structures will be coloured green to aid integration with the existing farm structures, the surrounding landscape and the additional native species tree planting. The AD plant would process around 50 to 60 tonnes of feedstocks per day.

The exact tonnage used would depend on the feedstock mix. The feedstock would be delivered to the solids feeder via a JCB loader or similar handler. The feed unit would operate intermittently for 24 hours a day, loading the digester automatically every hour.

- 1.5 The feedstock remains in the digester for a minimum of 50 days in order to allow the Anaerobic Digestion process to occur, during which time biogas generated as a product of the process is collected in the gas holder. The feedstock mixture is subjected to heat by a system of heat exchangers contained within the digester tank. Biogas collected in the gas holder is piped to the CHP plant, which powers a generator to produce electricity.
- 1.6 The 1MW system would produce energy to be utilised at the Grocontinental site at a level equivalent to the requirement of around 2,000 - 2,400 local households. The process would also produce approximately 1.2 MW of heat per hour; a proportion of this would be used in the process in order to maintain temperatures in the digester tank. The substantial amount of surplus heat would have the potential to be used at buildings in the Waymills Industrial Estate.
- 1.7 Landscaping: The proposals include provision of a planted bund adjacent to the Whitchurch By Pass with additional planting on other site margins to aid integration of the development into its rural setting.
- 1.8 Hours of Operation: The AD process, once initiated, would carry on continuously for 24 hours a day. On site, the crops and manure would be moved to the stationary feeder by a mechanical loader once a day. This would be predominantly undertaken during daylight hours, in order to minimise light and noise pollution.
- 1.9 Traffic / access: The proposed access would be at the eastern end of the site. The applicant states that this has good visibility in either direction and exceeds the requirements set down in highways guidance. The road width here is approximately 9.1m wide. The ground levels adjacent to the A525 at this point are more favourable and will allow a gradual fall to the A525 which will enable any larger vehicles to pull away from the junction safely and quickly. The applicant states that the local road network is capable of handling the anticipated traffic and has discussed the proposals with Shropshire Council Highways officers prior to submission of the application. A routing agreement for food waste vehicles was originally proposed. However, it is no longer proposed to import food waste to the site.
- 1.10 The scheme will generate additional traffic into the site. However a good proportion of this will be seasonal when the maize is harvested. Some 100 acres of land is available at Broughall Fields which will generate approximately 1800 tonnes of feedstock so traffic associated with this land will not need to go onto the highway network. A further 16,200t of energy crops /silage will need to be imported together with approximately 6,000 tonnes of poultry manure. If the poultry manure and maize is delivered in 16 tonne trailers this will equate to 1340 vehicle deliveries or 2680 movements. Over the course of a year this averages less than 4 deliveries per day. The peak period for movements will be at harvest time. The rest of the year will involve feedstock clamps being used which will not involve highway movements. There would be limited public highway movements during the construction phase, however liaison with the suppliers would ensure that the minimum disruption is caused during construction and vehicles will be routed appropriately. It is planned that no material would be exported off the site as excavated material can be used as part of the landscaping scheme.

- 1.11 Lighting: In order to ensure a safe working environment, external lighting would be required on the transformer unit and tanks for use during low light levels in the winter months. The lighting shall only be used during permitted operational hours and would be designed to minimise light spill.
- 1.12 Anaerobic Digestion Process: AD is a process where organic material is biologically treated, in the absence of oxygen using naturally occurring micro-organisms to produce biogas, which can be used to generate a renewable green energy and a nutrient rich bio-fertiliser and soil improver. Heat is also produced as a by-product, which can also be utilised. The use of on-farm AD with combined heat and power (CHP) units using farm slurry, maize silage and other crop products is well developed on the continent, particularly in Germany and Austria. The UK now has International and European obligations to generate more renewable energy and such facilities are encouraged in National Energy, Waste and Planning Policies with the overreaching objective of producing 12% of the UK's energy from renewable sources by 2010 and 20% by 2020. The Government advises that AD could make a significant contribution towards the UK's renewable energy targets.
- 1.13 Preparation of the application was informed by a formal pre-application enquiry. The applicant has subsequently provided further clarification and reassurance on detailed elements of the scheme in response to the planning consultation process. These issues are referred to in Section 7 of this report.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The proposed AD site (area 2.15ha) is located on agricultural land to the east of the the A525 Whitchurch By-Pass and the applicant's warehouses on the Waymills Industrial Estate. The site sits just outside of the Development Boundary of Whitchurch as defined in the Place Plan. The surrounding landscape comprises a mixture of industrial and commercial development and intensively managed agricultural land. The nearest residential property is located 130m to the north east. The site is not affected by any statutory rural or historic designations. Brown Moss, a RAMSAR site, SSSI and Local Nature Reserve, is located approximately 940 metres to the south.
- 2.2 Grocontinental is one of the largest international storage and distribution companies in the UK. The 30 acre unit at Whitchurch oversees 143,000 pallet spaces of multi-temperature storage and 5,000 daily pallet movements, controlled by systems technology.

3. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals have been referred to the Committee by the local Member Gerald Dakin and this decision has been ratified by the Development Manager.

4. CONSULTEE RESPONSES

4.1 Whitchurch Town Council – Objection.

i. The application has some inaccuracies:

- Paragraph 4.1.2 of the highways statement states 'I am not aware of any accidents at the field access or along this particular section of the A525 in the vicinity of the proposed development site'.

- The traffic movement is given as 67- vehicles of 1340 movements, however, to move 23,000 tonnes of waste on 16 tonne vehicles would require 1450 vehicles or 2900 vehicle movements and this does not include the vehicles required to remove digestate from the site.
- Highways statement appendix 1 is missing, so the Council do not know the intent with regard to the junction layout. There is conflict between the environmental supporting statement (including design and access) and Highways Statement with regard to how traffic will be controlled. The flood risk assessment states that the site has not been identified as at major risk from surface water flooding and has only suffered minor waterlogging problems. However, Shropshire Council's Drainage comments state that the site is at risk from surface water flooding. Local residents say that the fields are subject to frequent flooding.

ii. Environment:

- There are water voles in the brook and an Environmental Permit has not been mentioned. Underground is a water course which ends up at Stags Brook where the water voles live. If the water is contaminated it will affect the whole of the town.
- The Environment Agency (standard rules Chapter 4 SR012 no 12 and 2012 no 17 states that it shall not be within 10 metres of a water course and also it must not be within 200 metres of a sensitive receptor when there are warehouses across the road with staff and businesses two of which prepare food and the other is a children's nursery. It also has a house within 200m of the site.
- A local farmer said that cattle had been sold and is no longer a dairy farm and is being prepared to grow maize for the digester.
- Odour – it states that everyone around will not mind the odour as they are from an agricultural background. This is not the case and those that have farms only have odours for a short spell. This will be constant. The rotting matter left in sheds to be used will give off an odour and this will be evident every time the door or lid is opened.
- The photographs taken to 'prove' that there is no visual impact have not been taken in the places where it will be seen.

iii. Other issues:

- A change of use will be needed to change from farming to industrial use. Good quality land is being used when it should be being used for farming.
- A recent survey completed on AD plant by Bristol University shows that if items are shipped more than 4 miles away this is not environmentally friendly. Harpers University College has one and it has caused problems and contamination.
- This application should be called in and not delegated. An environmental impact survey and traffic survey should be completed.

4.2 Whitchurch Rural Parish Council (adjoining parish) – Neutral.

- i. Policy: Referring to Policy CS17 Councillors would like to emphasise their commitment to ensuring that all industrial type development be kept to strictly dedicated sites and not encroach into areas outside the development boundary onto open countryside. CS17 stipulates that it will 'protect and enhance the diversity, high quality and local character of Shropshire's natural built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.' Further, CS17 'will contribute to local distinctiveness, having regard to the quality of

Shropshire's environment, including landscape.' The industrial units are currently restricted to the north side of this stretch of the A525. The south side of the A525, opposite the Grocontinental site, is currently designated open countryside providing agricultural land (which will be lost to the farming community if the proposal goes ahead) and is outside the development boundary. It is feared that if the digester is given permission to be built it will open up opportunities to develop further industrial buildings on an area not identified for this purpose and will directly contravene policy CS5 which controls development in the countryside. Also in accordance with CS17 has the applicant been able to adequately demonstrate that there will be no unacceptable adverse environmental impacts?

- ii. Highways: - Concerns were discussed regarding access to the site from the A525. It was felt that the proposed access from either side of the carriageway could create a hazard and Councillors suggested that all traffic should be made to enter via a left hand turn only ie traffic coming from the Wrexham direction should use the roundabout rather than cross the carriageway. Further discussions took place regarding an undesirable potential increase of traffic through the villages in order to access the site. Would it be possible to install some appropriate directional signage in order to ensure main roads only used? - No through access to site through Ash from A41 or Tilstock from Wem direction.
 - iii. Emergency Procedures: - The PC seeks reassurances that appropriate emergency procedures have been identified and can be catered for in a worst case scenario situation.
 - iv. Residential amenity: - Local residents have raised concerns about impact on residential amenity issues particularly in relation to odour nuisance. What reassurances can be made that no loss of residential amenity will occur? Policy CS6 stipulates that development should contribute to the health and well-being of communities, including safeguarding residential and local amenity. It further states that high quality agricultural land, geology, minerals, air, soil and water will be safeguarded. What assurances have been made to prove this?
- 4.3 Environment Agency: - No objections, in principle subject to the following comments:
- i. Summary: Our previous response (email of 10 November 2014) in relation to the further information, including letter from Nick Williams of Berrys dated 15 October 2014, confirmed that "we cannot give you a full degree of reassurance that the location of the proposed facility (including the use of food waste) is appropriate at this time". This advice is based on what has been provided and without the (Bespoke) permit application being submitted. We cannot reassure you that it will be ok but, at the same time, we cannot predetermine the permit and say it definitely would be refused. In the absence of the permit we maintained some concerns around the ability to avoid unacceptable odour pollution at nearby sensitive receptors, including the farmhouse and industrial estate. There was a particular concern that there would likely be unacceptable odour pollution occurring at the nearby farmhouse. Prior to us finalising a formal response the applicant has revised the proposals.
 - ii. Revised Proposal: We acknowledge that the applicant has decided to run the proposed Anaerobic Digester on agricultural wastes and feedstock only, removing the food waste element. This would appear to allow the site to operate under the Environment Agency's on farm 'Standard Rules Permit', rather than a Bespoke permit.

- iii. Environmental Permit (EP): From the information provided, without prejudice, it appears that the applicant could design the plant for a SR2012 No10 'On-farm anaerobic digestion facility including use of the resultant biogas'. This is on the basis that the site capacity is less than 100 tonnes of waste (including process water) per day. The Agent has confirmed the proposal is below this threshold. Based on the further information (following the removal of the food waste) and looking through the potential constraints which might affect the appropriateness of the land use, we do not anticipate any significant cause for concern, at this stage. This is subject to the appropriate re-routing of the existing drainage and watercourse system and detailed confirmation (at permitting) of effective stack dispersion.
- iv. SRP controls: We can confirm that the EP would regulate and control matters such as the following:
- General Management of the site.
 - Permitted activities e.g. operations.
 - Waste Acceptance (quantity and type of waste).
 - Emissions to land, water and air (including Odour, Noise and Vibration relevant to the 'operational area').
 - Monitoring, Records and Reporting.
- v. Odour and Noise: With regard to odour and noise the proposal should incorporate measures to avoid and minimise potential impacts on local air quality and noise. The previous information recognises the nearby farmhouse as a sensitive receptor (along with other nearby sensitive receptors) and provides some information on likely impacts. Some of the parameters may of course now have changed due to the removal of the food waste feedstock. There are several points in favour of the proposal to only receive agricultural waste/slurry at the site:
- Well managed on farm AD sites do have the potential to be operated to a high standard and to have only limited odour emissions;
 - Pumped slurries are generally easier to manage consistently in sealed containment than solid waste:
 - AD facilities fed on a constant and reproducible diet of slurry are easier to manage than those which receive more variable food wastes.

Notwithstanding the above, it should be noted that any operational control errors may have a disproportionate adverse impact on nearby sensitive receptors. We sought clarity, in our email of 19 November 2014, on the proposed odour/bio-aerosol measures relevant to the revision. Given that the odour mitigation and containment design measures may change for the management of non-food waste, we advised that a revised odour statement be provided. This was to help ensure all parties are clear on what process controls and design measures are proposed to be implemented. We received a revised odour management plan statement, on 1 December 2014. This confirms how the operator intends to manage the revised agricultural waste with reference to the standard rules permit. We note that the reception storage building will cater for some of the imported poultry manure waste and crop feedstock (it was originally intended to store a combination of poultry and food waste in the building). We also note that the clamps will provide for some storage and these will include sheeted covers. Other mitigation measures appear to remain the same. We acknowledge that "a comprehensive plan will be drawn up to monitor odours and other nuisance emissions prior to site commissioning". The EP has a requirement for an Odour Management Plan to help manage and control potential odour emissions. It should be noted that the above Standard Rules Permit will normally only require a detailed Odour

Management Plan and Noise Management Plan as a reactive measure, if the activities give risk to substantiated complaints/pollution etc. We would therefore not insist on the submission of a detailed Odour Management Plan as part of the planning application (where it is not a bespoke permit); but in this instance we would require one to be submitted with any future Permit submission. However, you might seek the submission of a comprehensive plan to provide an even greater degree of clarity to all parties at this stage. As confirmed above, the Permit will control appropriate Odour Management techniques to minimise pollution. Operational handling and management of wastes has a part to play in the management of odour. However, it is accepted that the nature of the feedstock and process may make some fugitive emissions unavoidable. There may be some background odour associated with digestate handling. Whilst bio-aerosols may be released from the anaerobic digestion process this would mainly be from feedstock reception and the eventual aeration of the digestate. As the main process is enclosed and anaerobic, as stated in the further information, in this instance given the nature of the waste we would consider that all emissions would be sufficiently reduced. The EP will also control the storage of raw materials, any fugitive emissions from the plant, and/or potential issues from poor management. The operator will be required to ensure that there is an effective 'Environmental Management System' (EMS) in place for operations. This is confirmed in the further information. We would refer you to our previous comments, as outlined in our letter of 8 October 2014, on noise. Your Public Protection team should be consulted on the noise and odour reports / assessment in relation to statutory nuisance, and so that all the relevant key issues are 'joined up', to ensure the pollution control regimes are complimentary etc.

- v. Air Quality: We note that a gas flare will be present on site to dispose of un-burnt biogas in the event of the engine failing/maintenance. We also note confirmation that the gas engine stack height will be set above 7 metres, which is acceptable in principle for an on farm standard rules permit, with reference to the farmhouse/sensitive receptors within 200 metres of the proposal.
- vi. Controlled water impacts: The Design and Access Statement and further information, including water features survey, confirm that the AD structures are to be set above ground level. As no groundwater was encountered at a depth of 2.4m there is sufficient freeboard between the foundation bases and seasonal groundwater levels. The water features survey, including drawing no. SA13299/03 rev A, confirms that there are no records of any wells springs or boreholes used for domestic purposes within a 250 metre radius of the site. However, there are a number of field drains which run across the north eastern part of the site and the underground piped watercourse which currently runs underneath the proposed digestate storage tank. As confirmed in the additional statement – 'impact on controlled waters and pollution control'; the applicant is proposing to divert the existing drainage system and re-route the piped watercourse. This is indicated on drawing no. SA13299/03 rev A. There is sufficient commitment at this stage to confirm that the drainage systems and watercourses would be re-located to be at least 10m from the site installation boundary. We note that the existing drain would be closed off with a new drain laid to the south east of the site and then south west to meet the existing manhole. These works are outside of the current area edged red. We would recommend that this ditch is provided as an open ditch to ensure it is visible and provide wider benefits. We previously advised that the diversion could be within an open channel around the edge of the site, which could offer additional benefits (from de-culverting). This in accordance with Policy CS18 of your adopted Core Strategy including: "New development improves drainage by opening up existing culverts where appropriate". We advised that an open watercourse feature would help

with ecological enhancement and connectivity of water voles, which are a feature of the Staggs Brook close to the site. From a pollution control perspective, linked to the EP, there is a need for an appropriate 'buffer zone' of at least 10 metres from the watercourse, to be included to keep it away from the AD site area. The detailed design of the watercourse should be agreed with your Flood and Water Management team as they are responsible for regulating 'ordinary' watercourses such as this. You should also seek the comments of your Ecologist. You should seek the advice of your Flood and Water Management team to ensure the detail of the new drainage ditches/ channel has adequate capacity to ensure no flood risk impacts, with reference to the Flood Risk Assessment. Please refer to our previous comments/advice, as outlined in our letter of 8 October 2014, on flood risk and the culverted watercourse. Your Council, as Lead Local Flood Authority, may require consent for the new connections and the watercourse, separate to planning. You may require an amendment to the site area edged red to clarify and secure the above.

- vii. Secondary Containment: The details confirm that a secondary containment bund will be installed to contain at least 110% of the contents of the largest tank. The bunding containment structures associated with the proposed AD plant will be compliant with CIRIA – this should read 736 (July 2014) rather than the stated 164 (which has been superseded). We also note that leak detection systems are proposed. These measures are considered acceptable in principle, to help protect controlled waters. The above, along with hydraulic permeability testing and construction detail, including Construction Quality Assurance (CQA), will be controlled as part of the permit in this instance. Note - All storage and process tanks shall be located on an impermeable surface (a hydraulic permeability of not greater than 1×10^{-9} m/s) with sealed construction joints within the bunded area. We would reiterate our previous comments on explosive risk and health and safety.

4.4 Natural England – No objection subject to the following comments:

- i. Internationally and nationally designated sites: The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Brown Moss Special Area of Conservation (SAC) which is a European site. The site is also listed as part of the Midlands Meres and Mosses Phase 1 Ramsar site¹ and also notified at a national level as Brown Moss Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.
- ii. The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided,

Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects. Emissions resulting from the anaerobic digestion process are unlikely to have a significant effect beyond 500 metres from the application site and Brown Moss appears to be beyond this distance at approximately 1 kilometre from the application site.

- iii. SSSI: No objection – no conditions requested. This application is in close proximity to Brown Moss Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.
- iv. Other advice: We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
- local sites (biodiversity and geodiversity)
 - local landscape character
 - local or national biodiversity priority habitats and species.
- Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).
- v. Protected Species: Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species. We have not assessed this application and associated documents for impacts on protected species. enable an assessment to be made of a protected species survey and mitigation strategy.
- vi. Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity

includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

INTERNAL COMMENTS:

- 4.5i. Public Protection – Response to initial consultation – No objection. Having considered the design and layout of the proposed development coupled with the fact that an Environmental Permit issued and regulated by the Environment Agency will be in place regulating emissions to air, water and land including odour and noise I do not have any conditions to propose for this development. However, in relation to lighting I have the following informative that I wish to pass on to the developer. It is noted that several of the lighting informative notes have been incorporated in the design and access statement. When installing artificial lighting the applicant is reminded that light can be perceived as a nuisance if thought is not given to the installation of suitably positioned, orientated and appropriate equipment being used. Advisory notes are recommended (included in appendix 1)
- 4.5ii. Public Protection – Response to re-consultation on amended feedstock proposal. No objection - Having noted that planning application has removed the inclusion of food wastes as feed stock for the installation it is noted that this is likely to bring about a betterment in relation to the original proposals in relation to odour. Please could the applicant detail how the proposed feed stock, particularly poultry manure, will be stored on site. If the proposals to store malodorous materials in an enclosed vessel or building and prioritise them for use in order to remove them asap this would show good practice which should be looked on favourably.
- 4.6 Highways Development Control – No objections. The site is proposing a new right turning facility onto the principal road and access alterations both of which are in accordance with highway guidelines. A condition requiring prior approval of the new access is recommended.
- 4.7i. Natural Environment - Ecology: No objection. A Habitats Regulation Assessment has been undertaken in relation to impacts on European Sites. A copy of the HRA should be kept with the application. The Environment Agency should be consulted. The application site is around 1km from Brown Moss Special Area of Conservation (SAC) which is a European site and part of the Midlands Meres and Mosses Phase 1 Ramsar site and SSSI. Natural England (NE) advises that the Council should carry out a Habitats Regulation Assessment of any likely significant impact. NE states in their letter dated 30th April 2014 that emissions resulting from the anaerobic digestion process are unlikely to have a significant effect beyond 500 metres from the application site and that Brown Moss is around twice this distance from the site. An HRA has been carried out which finds no likely significant effect or impact on the integrity of the European site.
- ii. Emissions: It is recommended that the Environment Agency are consulted on this application.
- iii. Bats: Star Ecology inspected trees on and bounding the site and report that eight trees are ‘Category 1’ trees with definite bat roost potential. All are indicated for retention on the Proposed Block Plan, however if any of these trees are proposed for removal or lopping at a later date an aerial inspection and/or emergence and re-entry bat survey are recommended by Star Ecology (2014). The trees and hedgerows on site are likely

to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour.

- iv. Star Ecology (2014) considers that the site does not provide suitable habitat for water vole. There are no ditches or other watercourses on or adjacent to the site.
- 4.8 Natural Environment - Arboriculture): No comments received.
- 4.9 Rights Of Way: – No objections. It does not appear that the proposal will have any direct impact on public rights of way.
- 4.10 Historic Environment - Conservation: No comments received.
- 4.11 Historic Environment - Archaeology: No objections.
- 4.11i. Flood & Water Management - No objection. The drainage details, plan and calculations could be conditioned if planning permission were to be granted. The SUDs applicability zone area that the site is classified under according to Shropshire Council's Surface Water Management: Interim Guidance for Developers is infiltration or attenuation. Therefore the use of
- 4.12i. Business and Enterprise: Support. The Business and Enterprise Service support the application by Grocontinental Ltd. The business is one of Shropshire's major companies employing over 350 employees, the majority of which are located in Whitchurch. As a storage and distribution company, Grocontinental is a major user of electricity and has been seeking an increase in supply for the last 5-7 years to secure the expansion of the business. Whitchurch however suffers from electricity supply problems. The application will safeguard and secure jobs much needed in Whitchurch and the whole of North Shropshire .The company provides cold store facilities to Muller and food and drink companies in the area .If not given the good ahead the company may not be able to expand locally. The regulatory framework operated by Ofgen will not allow the licenced Distribution Network Operator for the area, Scottish Power, to provide capacity on a speculative basis however additional capacity is unlikely to be procured by businesses as the cost of investment is disproportionate to a company's individual requirements.Where investors are prepared to invest in the network this is dependent upon recouping investment from new business connections which are uncertain .Legally investors can only recoup costs of new electricity infrastructure for up to 5 years after power is made available. As market conditions are fragile in the rural areas it can take longer than 5 years to get sites built out.
- ii. As a result of the above constraints Shropshire Council sought funds for investment in the Whitchurch network system from Advantage West Midlands however was unsuccessful. The Council subsequently made three bids for Regional Growth Funds to the Department for Business and Skills, for investment but was also unsuccessful. The issue has also been identified by the Marches Local Economic Partnership and as part of the Marches Strategic Economic Plan has submitted a further bid to the Department for Business and Skills for investment through the Local Growth Fund. The European Structural and Investment Funds (ESIF) strategy programme of funding from the EU identifies two strategic activities for funding for the period 2014-2020 .One includes Enhancing competitiveness research and innovation enabling technology which includes the development of new low carbon and renewable energy applications and the second Supporting the shift towards a low carbon economy with a move to promoting projects

which lead to decarbonising the economy. This proposal would meet these criteria. The Shropshire Economic Growth Strategy prepared by Shropshire Council and the Shropshire Business Board identifies as Priority 3 as ‘Stimulating our Growth sectors’ which includes the green economy and stresses the need to prepare Shropshire for a shift towards a low carbon economy.

iii. The application should be supported because:

- It will also help provide a secure energy source and support the further development and growth of the company.
- The proposed anaerobic development will provide an additional 1MW of power in a sustainable manner using locally sourced crops. The AD will use its own waste from the plant reducing land fill, provide a good market for the growing corn and by using chicken manure will reduce ammonia emissions .
- Any surplus energy not required by the company will be feed back into the Grid.

The proposal sits with policies to promote a low carbon economy and the production of power in a sustainable manner.

4.13 Councillor Mr Gerald Dakin (Whitchurch South) – has been informed of the proposals.

5. PUBLIC REPRESENTATIONS

5.1 The application has been advertised in the press and by site notice and the nearest properties have been individually notified, including some commercial premises. At the time of writing there have been 102 comments of objection and 7 comments of support. The most significant area of concern is that of the odour that the anaerobic digester will produce. There have also been two petitions against the construction of the anaerobic digester with 184 signatures and 960 signatures respectively. The grounds of objection are summarised below:

i. Traffic

- The development will increase traffic on an already busy road. In particular, there will be an increase in the number of HGVs. This will substantially increase the chances of another serious accident and will place small children at risk because there is a pre-school nursery near to the site.
- Cyclists will be placed at risk as a result of the increase in traffic.
- An increase in the amount of maize grown in the area will lead to increase in mud on the local roads, which will result in a road safety hazard.

ii. Public Protection

- The development will create a terrible odour in the vicinity. This will affect a large area of Whitchurch that includes residential development and businesses.
- In close proximity to the development site there are four schools, a nursery, a nursing home, a rugby club and a cricket club. All will suffer as a result of the bad odour.
- There are numerous examples throughout the country of anaerobic digesters causing terrible smells far worse than predicted. There have been cases where existing plants have been forced to or requested to close because the smell has been so bad.
- Grocontinental have underestimated the affect of the bad odour. For example, they

have only assessed the affect of the odour within a 250 metre radius of the site. The affected are will be far larger than this.

- The intended efforts to manage the bad odours produced by the anaerobic digester will fail. The odour produced will still have an enormous impact on the locality.
- The claims that the people of Whitchurch will be used to the smell because they have strong agricultural ties is ridiculous. Agricultural odours are seasonal and the odours of the anaerobic digester will be significantly worse than regular agricultural odours.
- Excessive noise will be generated by the anaerobic digester.
- There is the potential for flooding and the Flood Risk Assessment is misleading.
- There have been several reported disasters with anaerobic digestion plants, for example, Harper Adams, February 2013. This led to closure and a massive clean up operation.
- There is a serious risk that the anaerobic digester could explode.
- Anaerobic digesters are dangerous and there is a serious risk of death or injury as a result of its operation.
- In the event of failure or breakdown there is no emergency plan. There is no emergency services provision within the application and there is no health and safety plan.

iii. Personal Concerns

- The development may lead to a decrease in house prices that are in the locality.
- Local landowners who are very close to gaining outline planning permission for housing development will see a large reduction in the market value of their land and housing developers will no longer be interested in purchasing their land.

iv. Damage to the Landscape

- The 'Grocontinental' site has expanded out of all proportion. This is ruining the rural landscape around Whitchurch. Further development will exacerbate this problem.
- Development to the south of the A525 by-pass will set a precedent for further southwards expansion of Whitchurch, ruining the local landscape and the village of Ash Magna.
- The development site is outside Whitchurch's development boundary. Industrial development should not be permitted of greenfield sites.
- The development will result in light pollution. This is of particular concern during the hours of darkness.
- Maize production can lead to the obstruction of public rights of way. This is an existing problem in the locality that will be exacerbated by the development.

v. Damage to the Environment

- Using maize for anaerobic digestion rather than to feed people is morally and ecologically wrong when you consider that Britain imports 40% of its food.
- Grocontinental should be investing in solar panels as this is a more environmentally friendly form of renewable energy. In fact Grocontinental has planning permission for the installation of solar panels that has not been utilised.
- There are concerns regarding water contamination. For example, there is a water course that runs underneath the development site and a nearby property has its own water supply via a borehole; both of these are placed in jeopardy. Furthermore, development of an anaerobic digester within this proximity of water sources contravenes Section 2.2.2 of the Environmental Agency.
- Food waste should be dealt with at source and not driven across the country.

- Local wildlife, such as water voles, will be endangered by the development.

vi. Damage to the Community

- The land required by the anaerobic digester is the same land that is required for dairy farming. This will damage the livelihood of local dairy farmers and lead to increased rents in the locality. In particular, this will damage the large local employer Muller, which is based in nearby Market Drayton.
- The applicant refers to the creation of three jobs. However, has there been a cost benefit analysis of the likely number of jobs lost as a result of the development?
- Whitchurch has experienced regeneration in recent years. For example, a much desired Sainsbury's has recently been constructed. This regeneration will be abruptly halted if this development is to go ahead.
- Tourism will suffer as a result of the foul odour of the anaerobic digester.
- Whitchurch is having its electricity shortage addressed by Scottish Power and it is a myth that the anaerobic digester is required to combat the shortfall in electricity.

vii. Process of Application

- The applicant's photographs are misleading.
- The claim that the anaerobic digester is a renewable energy source and will reduce the carbon footprint of Grocontinental is flawed and questioned by both the Farm Minister and the Minister for the Environment. This is because of the large amount of land that will no longer be used for food production.
- The Environment Agency prohibits the siting of anaerobic digesters of this size within 250 metres of a dwelling or place of work. There are both dwellings and places of work within 250 metres of the development site.
- The land between existing warehouses and the Cambrian Railway line is a more suitable site for the anaerobic digester.
- The House of Lords European committee have proposed that all food waste should be distributed for human or animal consumption where safe, rather than sent to anaerobic digesters.
- Mr French is no longer impartial and the application should be transferred to another officer.
- Whitchurch already has a number of other schemes such as wind turbines and solar panels so why does it require more?

5.2 The grounds for support are summarised as follows:

Economy / community:

- Grocontinental is a local family owned business that has provided great wealth and opportunity to Whitchurch and the surrounding area providing jobs and a spiral of opportunities for many other local businesses. Whitchurch cannot survive on just being a quaint old market town, we need innovative and forward-looking businesses to create jobs and wealth for all.
- Grocontinental have been the Principal Sponsor for Whitchurch Rugby Club for a great many years and continue to support many sports clubs, charities and good causes in the area. I truly believe that it is this commitment to the community that goes to demonstrate their best intentions for the future of Whitchurch, its people and the surrounding area.

Benefits of AD:

- The proposed A.D. plant would be an innovative solution to both their increasing

power demand and that of the other businesses located at Waymills industrial site. They would be able to make use of not only the electricity produced but also the waste heat.

- Bio digesters are permitted development on any agricultural holding. I have also visited several Anaerobic Digester plants over the past three years using a variety of different feedstocks and have not experienced any problems. There is far more likelihood of smell arising from the spreading of un-treated animal waste than from a well-run AD plant.
- It is common knowledge that Whitchurch is at breaking point where electricity supply is concerned. This proposal is a great option for providing much needed power to sustain the biggest employer in the area and associated businesses. We should not be reliant on power from other countries like Russia. Using products which are waste or easily grown would give us a secure power supply.

Environmental acceptability:

- The proposed A.D. plant would offer no greater risk (in fact possibly smaller) than any intensive livestock production unit which has to deal with large amounts of manure and silage effluent.
- With regard to traffic issues, the proposed site is adjacent to an excellent A class road, with good visibility, and with good planning and design it should be possible to minimise any traffic problems.
- As an arable farmer I have concluded that, on balance, the importance of having energy produced in the UK from carbon neutral sources is vital, not only to the protection of our environment and planet, but to our national energy security. The proposed AD plant would be a great step forward for Whitchurch, putting us at the forefront of this innovative technology.
- The Environmental Supporting Statement is technically accurate and factual.

6. THE MAIN ISSUES

- Whether there is a clearly established need for the facility;
- Whether the proposals comply with relevant policies and guidance in relation to wider environmental issues such as sustainability, climate change and energy policy;
- Whether the site is an appropriate location for the proposed development;
- Whether other off-site impacts are acceptable including with reference to:
 - odour;
 - traffic;
 - noise and vibration;
 - visual impact;
 - air quality and health
 - water resources;
 - community benefits.

7. OFFICER APPRAISAL

- 7.1 Assessment of need: The climate change section of the National Planning Policy Framework advises that planning authorities should not require applicants for renewable energy schemes to demonstrate the overall need for the renewable energy (s98). Notwithstanding this, there are a number of justifications for the proposals:

- 7.2 Renewable Energy - National Need: The UK Renewable Energy Strategy (July 2009) implements EU legislation requiring the UK to provide 14% of its final energy production from renewable sources by 2020. It is estimated that about 25% of Britain's current fossil fuel and nuclear based electricity generating capacity is likely to be lost over the next 10 years. The Government has stated that renewable technologies such as anaerobic digestion have a major role to play in replacing this lost capacity. The proposed facility would produce 3,300 kWh per annum of electricity. This is equivalent to the amount used by 1200 households after energy use by the plant is taken into account. It is accepted that this would contribute to the objective of achieving the UK Renewable Energy Strategy target and providing more secure and diverse sources of energy supply. The proposals would also comply with paragraph 97 of the NPPF and related sections referring to renewable energy.
- 7.3 Local need for renewable energy: The Council's Business and Enterprise team has supported the scheme on the basis that the proposals will help provide a secure and sustainable energy source which will support the further development and growth of Grocontinental as a major local employer. The applicant is a major energy user and there is an energy shortage in Whitchurch which the plant would help to address. The Business and Enterprise team has confirmed that there have been difficulties in attracting the funding necessary for the local energy supplier to upgrade the local grid system. The plant would provide an achievable local solution to this problem. Any surplus energy not required by the company would be feed back into the Grid. The proposals also offer the potential for use of renewable heat energy in the adjacent industrial estate and a number of potential options are being evaluated. Some local residents have questioned the justification for the renewable energy and have cited recent outline proposals by Scottish Power to upgrade the local energy supply system. Whilst these proposals are acknowledged any upgrade is likely to take a significant time to come into effect and will not address the significant energy cost to the company of sustaining it cold storage operations. Nor would it reduce the company's usage of the national grid supply in the sustainable way envisaged by the current proposals.
- 7.4 Need - climate change: The NPPF advises that 'local planning authorities should adopt proactive strategies to mitigate and adapt to climate change (s94). Under the former farming system at Broughall Fields manure / slurry was spread directly as a fertilizer onto farmland. This farm waste is however rich in methane which is a potent greenhouse gas. The renewable energy produced by the plant would reduce carbon dioxide released from the traditional fossil fuel generation by around 2100 tonnes of carbon equivalents each year. Processing of 3000 tonnes of poultry manure in the digester before spreading onto land would also reduce greenhouse gas emissions by 750 tonnes of carbon equivalents. The methane rich gas produced by the AD process would be used to power the generator, creating renewable electricity to replace fossil fuels. Whilst the generator exhaust gas contains carbon dioxide (a weaker greenhouse gas than methane) this would not add to global warming as equivalent quantities of carbon would be fixed by growing next season's energy crops. In addition, the applicant states that the digestate produced by the AD process would replace conventional fertilisers, the manufacture and distribution of which is very energy intensive. The climate change benefits of the proposals are a significant material consideration. It is also necessary however to assess the extent to which the proposals comply with other development plan policies, guidance and local considerations.
- 7.5 Need - Agriculture: The AD unit will be operated in association with local farming enterprises and will represent a vertical integration whereby the digestate produced

can be utilised to fertilise the crops grown as feedstock for use in the digester, along with feedstock sourced from other local businesses. The AD plant would produce energy, heat and digestate (a nutrient rich soil improver). The feedstock used in the digesters would include crops grown on the local farms such as maize, grass silage, and whole crop silage. Some 6,000 tonnes of broiler chicken manure and 19000 tonnes of farm crops / silage would be used to fuel the AD plant. This would produce a high quality nutrient rich digestate to be used as organic soil conditioner on local holdings. It is considered that the proposals are sized appropriately for the anticipated level of available feedstocks and would in principle promote the development and diversification of agricultural business in a way that supports the rural economy (NPPF s28)

- 7.6 Need –conclusion: It is considered that the need for renewable energy and the climate change benefits of the proposals are strongly supported by the NPPF (e.g. para 97, 98) and Key objective 9 of the Core Strategy. In addition, it is considered that the economic benefits of a renewable power supply are significant and consistent with Core Strategy Policy CS13. The potential benefits of the scheme to the local agricultural economy also align with this aspect of Core Strategy Policy CS5. It is necessary however to also assess justification for the site location and the potential environmental effects in order to determine whether or not the scheme is sustainable and can therefore benefit from the NPPF presumption in favour of sustainable development.

Justification for choice of site

- 7.7 Location – site criteria: The NPPF advises that local planning authorities should not require applicants to demonstrate the overall need for low carbon energy and should approve the application if its impacts are (or can be made) acceptable (s98). It is recognised that most renewable energy resources can only be developed where the resource exists and that renewable energy projects have the potential to play an increasingly important role to play in the diversification of rural economies. The NPPF also supports the diversification of agricultural businesses (s28). There are however a number of justifications for choosing the current site:

- The proposed site is very close to the Grocontinental premises on the opposite side of the Whitchurch By-Pass. The length of expensive thermally insulated pipework required in order to carry electricity and heat energy from the AD site to Grocontinental and other potential heat users within the Waymills estate can therefore be minimized, preserving the economic viability of the scheme;
- Proximity to the Grocontinental site brings operational control and management benefits which would not be the case with a more remote location;
- The site is close to a number of field areas where energy crops could be grown and the resultant digestate could be spread;
- It is possible to obtain a satisfactory access with good visibility from the site onto the Whitchurch By Pass;
- The site offers landscape advantages given that existing vegetation and adjacent farm buildings would provide a degree of pre-existing screening and visual context before proposed landscaping measures are implemented;
- The site is relatively remote from residential property, not generally directly overlooked from principal windows and is not affected by any statutory environmental designations;
- The site is of sufficient size to accommodate the development and is owned by the

applicant.

The applicant considered other sites prior to deciding on the current location but none had the same level of operational and locational advantages. A pre-application response provided by the Planning Authority in 2013 supported this general conclusion.

7.8 Location – planning policy: The site is located in the countryside just beyond the development boundary of Whitchurch. There are no allocations either from saved policies of the North Shropshire Local Plan or emerging SAMDev policies. Hence, the key test for the principle of developing the site is Core Strategy Policy CS5 (Countryside and Green Belt). This strictly controls new development in the open countryside and sets out the circumstances in which it might be accepted. The countryside and Green Belt will be protected from inappropriate development. Development proposals on appropriate sites which maintain and enhance countryside vitality and character will however be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. The policy states that development will be expected to take place primarily ‘in recognisable named settlements or be linked to other existing development and business activity’. Retention and appropriate expansion of an existing established business and small scale new economic development diversifying the rural economy, including farm diversification, are potentially acceptable forms of development under Policy CS5. Proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts.

7.9 It is considered that the proposals meet some of the criteria specified under CS5 as follows:

- The site is located immediately adjacent to Whitchurch, which is a recognised settlement and market town;
- The proposals are linked to the expansion of an existing adjacent business activity;
- The proposals are directly associated with local agriculture due to the links with agricultural feedstocks and digestate spreading, and the site is adjacent to an existing established farmstead. As such, the proposals can be seen as diversifying the rural economy;

The application is for major development, as opposed to ‘small scale new economic development’. However, large scale new development can be accepted where it can be demonstrated that there would be no unacceptable adverse environmental impacts. It is concluded therefore that, notwithstanding that the site is located just beyond the urban fringe, the proposals would be capable in principle of complying with Policy CS5 and that the location of the site could be supported in principle, provided it can be shown that the proposals would not give rise to any unacceptably adverse impacts on the environment or local amenities.

7.10 Further guidance on the environmental acceptability test set out above is provided in policy CS6 (Sustainable Design and Development Principles). Development should in particular protect, restore, conserve and enhance the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. The design of the site is assessed in the section on visual impact below. Policies CS17 (environmental networks) and 18 (sustainable drainage) also apply. The

additional support provided for the development by renewable energy and economic development policy as referred to above is a significant material consideration in assessing the overall planning balance.

Environmental considerations

- 7.11 Odour: Concerns about the potential for odour have been raised by local residents. The scheme has however recently been amended to remove food waste which is a potential source of odour. This change has occurred as a consequence of ongoing dialogue between the applicant / agent and the Environment Agency. The latter has withdrawn a previous holding objection on this basis and has advised that the proposals as amended can be regulated under the terms of a 'standard rules' Environmental Permit. The total tonnage of the AD scheme would remain unaffected. Food waste would be substituted instead with agricultural feedstocks.
- 7.12 The main potential source of odour now remaining is poultry manure which has historically been spread seasonally in its raw state on surrounding farmland in equivalent tonnages. The AD process actually has the potential to reduce odour in some respects relative to this previous situation as poultry manure would instead be fed into the AD unit. The resultant digestate which has a much reduced odour, would be spread onto the land instead. A number of measures are proposed however in order to further minimise odour, including storage of poultry manure and the solids feeder in a contained shed and a requirement for manure to be imported in covered loads. An appropriate planning condition covering this matter has been recommended in Appendix 1. The AD process itself is fully contained. Having left the feeder, at no time would any material be directly exposed to the atmosphere. The externally sited tanks would be completely sealed to facilitate anaerobic gas collection and to eliminate odour release. Production and capture of this gas in the absence of oxygen is a fundamental part of the process. The roof of the digester is specifically designed to capture and store biogas, and is sized to minimise the amount of gas storage required, with gas production closely linked to rate of use.
- 7.13 The applicant commissioned a report by an independent odour consultant prior to the amendment of the scheme. This indicates that the proposed mitigation measures would ensure no adverse odour impacts. The report also refers to the additional controls on odour which are imposed under the Environment Agency's permitting process. The same control measures would apply in the context of the change to a purely agriculturally derived feedstock mix. Public Protection did not object to the proposals as submitted and has indicated that the amendment results in a further improvement in terms of odour control. This conclusion is generally supported by evidence from other similar facilities now operating within the county. There are now 13 AD plants operating across Shropshire under the strict controls of the environmental permitting system. There is no history of odour complaints from sites of an equivalent type in Shropshire, including sites with similar spatial relationships to residential and business property.. It is considered on balance that subject to the recommended conditions the measures proposed by the applicant are sufficient to prevent any reasonably foreseeable loss to amenity at neighbouring residences.
- 7.14 Air quality: The gas engine would emit carbon dioxide (CO₂), carbon monoxide (CO), water vapour (H₂O) and very low levels of Nitrogen Oxide (NO_x) at the same level as standard internal combustion engines. The total CO₂ emissions would however be offset by reductions in methane emissions from manure containment, as well as by

reducing the use of energy intensive manufactured fertilisers. All the exhaust gas from the gas engines would be strictly monitored and limited under the provisions of a permit administered by the Environment Agency.

- 7.15 Noise and hours of working: It is recognised that renewable technologies may generate small increases in noise levels. Local planning authorities should therefore ensure that renewable energy developments are located and designed in such a way as to minimise any such increases. The applicant states that the site has been chosen partly due to its screened location and because it is not sited close to a large number of sensitive receptors. However, the proposed development is not anticipated to result in unacceptable levels of noise. This is generally borne out by experience of the other AD facilities referred to above. One localised issue specific to a recently commissioned site in central Shropshire has been investigated and the cause (a pressure fan on the gas dome) is in the process of being addressed. Ambient traffic noise from the Whitchurch By-Pass is a dominant component of the local noise climate at most times.
- 7.16 The process of anaerobic digestion is itself silent running continuously over a 24-hour period. The pumps and loading system moving feedstock from the feeder to the digester tank will operate intermittently. The only continuous noise would emanate from the CHP engine which is fitted within an acoustic container and emits a sound level of 65dBA at 10 metres, a noise level comparable to a vacuum cleaner. The CHP is located set down and behind substantial bunding with further screening being provided by other larger structures within the site. The only other noise generating activities would be the limited vehicle movements associated with agricultural vehicles delivering feedstock and exporting digestate, as well as a loading shovel transporting the energy crop silage to the diet feeder. Given the separation distance to residential properties and the positioning of the CHP, it is not anticipated that the plant would give rise to an increase in ambient noise levels at any nearby residential property. With the exception of short periods during feedstock harvest, it is not anticipated that any mobile plant would be operational on the site outside the hours of daylight.
- 7.17 Public Protection service have not objected. To provide added reassurance in relation to noise however it is recommended that a condition is imposed to ensure that noise from the engine is attenuated to 5 decibels above the night time noise level outside the nearest residential property. It is also recommended that on-farm vehicle movements associated with the anaerobic digestion plant do not take place outside of 07.00 hours to 21.00 hours. Subject to these measures it is concluded that noise from the proposed facility is capable of being controlled to an acceptable degree.
- 7.18 Traffic and Access The proposed AD facility would process 19 tonnes of locally grown crops / silage and 6000 tonnes of poultry manure per year. The energy crop feedstock would be supplied from surrounding farmland either under supply agreements. These materials are already exported onto the local road network as a consequence of existing farming activities, but would be directed instead to the AD facility. There would also be an output of 16,000 tpa of digestate which would be spread on surrounding farmland, but this would replace existing movements of manure / slurry and / or energy intensive artificial fertilizers. A new access would be provided to ensure good visibility and plenty of room would be available within the site for turning.
- 7.19 A traffic report accompanies the application as submitted. Officers would highlight the following conclusions with respect to the amended scheme:

- The proposals include a safe and satisfactory access junction with associated visibility splays and right turn facility;
- There would be no HGV's delivering food waste to the facility but a doubling of tractor and trailer movements to the site delivering agricultural feedstocks;
- There would be approximately 1340 vehicle deliveries or 2680 movements per annum primarily by tractor and 16 tonne trailer. However, these movements would not be new as equivalent movements would take place as a consequence of normal pre-existing agricultural activities. The main change is that the traffic would be directed to the AD site rather than silage clamps in surrounding farms;
- Vehicles would average at less than 4 deliveries (8 individual movements) per day but there would be a seasonal peak during the harvest season. The harvest season would however be equalised over more months of the year for surrounding agricultural fields as a result of reduced combinable crops grown and the introduction of maize and grass;
- Vehicle movements associated with digestate spreading would replace similar volumes of manure and artificial fertiliser.
- The minor roads to the north and south of the site (Ash Road and Edgeley Road) service a number of local farms including arable and dairy. Much of this existing agricultural produce will ultimately find its way onto the Whitchurch By-Pass for longer-distance transportation. It is not considered therefore that the change to purely agricultural feedstocks would be likely to lead to any significant increase in the level of agricultural traffic on these roads;

Highway officers have been informed of the amended scheme. Any additional highway comments will be reported verbally.

- 7.20 The applicant has agreed in principle to implement a voluntary code of traffic management in order to minimise the potential for adverse highway impacts during peak times. This is to be welcomed and an advisory note covering this matter has been included in Appendix 1. There would be additional movements during the construction phase but liaison would occur with the suppliers to ensure that the minimum of disruption is caused during construction.
- 7.21 It is concluded that the amended proposals will not have an unacceptable impact on the local highway network. The proposed access is acceptable. There will only be a limited increase on the local highway relative to that which could occur under normal agricultural practices. Traffic to the site is also capable of being managed more effectively than would be the case for a normal agricultural operation and a voluntary traffic management code would be employed. The application can therefore be accepted in relation to highway and access considerations. (Core Strategy Policy CS7; Waste Local Plan Policy 25)
- 7.22 Visual impact: Development Plan policy seeks to protect landscape quality (e.g. Core Strategy Policy CS5, CS17). The nearest residential properties are generally well screened visually from the site and the proposed landscaping works would further improve this containment. Although the proposed facility would produce renewable energy, the applicant states that the structures within the site would have an agricultural appearance and would be directly related to the agricultural activities taking place within the wider farming unit. Pre-application advice provided by the Council recommended setting the AD structures back from the road close to the existing buildings at Broughall Fields Farm to help reduce visual impact and provision of additional landscaping. The plans for the site have been drawn up accordingly.

- 7.23 The proposal includes the installation of crop storage clamps and storage/digestion tanks and a manure storage building which are quite large structures, but with an agricultural appearance. The tallest structure, the digestion tank would be set back from the highway edge and set down 2m below the current ground level and would be coloured dark green. Given the careful siting of the AD tank and the ability to treat this and other structures in appropriate colours it not considered that the proposals would represent an unacceptable intrusion in the rural area. Landscaping measures would involve planting a small new woodland to the south west of the site, a tree belt and hedgerows along the western side, filling in hedgerow gaps, improved management and Extending the hedgerow planting along the north eastern boundary by the farm buildings.
- 7.24 A visual assessment accompanying the application makes the following main conclusions:
- The views of the site from nearby public viewpoints are limited by the topography of the area and existing landscape features, and will be further mitigated by appropriate landscaping. The main public view into the site will be from the bridleway/footpath to the south-east of the site particularly when approaching from an east to west direction. The large industrial buildings however are already visible and there will be limited overall landscape impact. Additional landscaping to the southern site boundary can also be provided to mitigate the views into the site
 - Views from the north and east are limited by the existing industrial estate and farm buildings. There will be fleeting glimpses when approaching along some of the roads, however this will be mitigated by landscaping proposals.
 - Views from residential properties will be limited, although there may be some distant views from first floor windows. These will be mitigated by landscaping proposals.
 - The site is in a gently undulating landscape with a vegetation pattern which limits the number of significant views to a small number of receptors. There are only three residential properties which will have views of the proposal, however these views will only be partial (to the tops of the digester tanks) where the tanks will be seen rising marginally to the side of the existing agricultural buildings of Broughall Fields Farm; or they will be filtered by the Site existing vegetation, with the main components of the AD plant viewed within the foreground of existing agricultural buildings.
 - Views of the Site from the south west are the most prominent as the site will be seen off the A525 highway, however the landscape is already dominated by the industrial buildings at Waymills Industrial Park, the proposal will be seen against the existing tree belt adjacent to the A525 and with the existing farm buildings of Broughall Fields Farm
 - Views of the proposal from the south east (mainly the Public Right of Way) will be filtered through the adjacent vegetation (field trees and hedges) with small sections of the domed digester and digestate tanks plus the reception building only slightly visible between the trees. Due to the dark green colouring of the digester tanks the effect on these views will be low.
- 7.25 The visual appraisal concludes that the plant would be a continuation of an agricultural related activity which would not be incongruous with the agricultural character of the local area. There are limited views towards the site and the proposed landscaping

would provide full mitigation over time so the development would not have significant impact on the landscape or have unreasonable visual impact from surrounding public viewpoints. Officers have visited the site and its environs and would support these conclusions. It is considered that whilst there would be some change to the local landscape there would not be an unacceptably adverse impact in this setting and the landscaping proposals would facilitate successful visual integration of the site. The proposals are therefore compliant with Core Strategy Policies CS6 and CS17.

- 7.26 Ecology An ecological assessment advises that the site is not located within or adjacent to a designated ecological area. It comprises improved grassland (Grade 3) and small broadleaved plantation and is enclosed by a species poor hedgerow with some broadleaved trees. The report advises that the trees and hedges bordering the site have potential for nesting birds, and the trees have limited potential for bats. Hedges should not be removed or trimmed between the beginning of March and the end of July to avoid disturbing or destroying active bird nests. The applicant intends to retain the trees should the scheme be permitted. A short length of hedge by the silage clamps will need to be removed. The landscape proposals would enhance the overall biodiversity of the area.
- 7.27 The site is around 1km from Brown Moss Special Area of Conservation (SAC), a European site and part of the Midlands Meres and Mosses Ramsar site and SSSI. A Habitats Regulation Assessment has been carried out and finds no likely significant effect on the integrity of the European site. The Natural Environment section and Natural England have not objected and an appropriate condition covering ecological matters has been recommended. It is considered that the proposals can be accepted in relation to ecology and biodiversity. (Core Strategy Policy CS17, NPPF chapter 11.)
- 7.28 Water resources: The site is not located in an area of flood risk. The main tanks would be sited on impermeable bases within a fully bunded area and the silage clamps and reception shed would also have concrete bases. The site would have a rainwater management system that will direct rainwater to a balancing pool from where it can be released at a sustainable rate into the existing drainage system. Trial digs have shown that groundwater is at a low level. The land was excavated to a depth of over 2.4 m and no ground water was found. Therefore a sufficient freeboard will exist between the base of any excavation and the highest seasonal groundwater table. The above measures will mitigate any risks to ground and surface water in the area.
- 7.29 The Environment Agency and the Council's land drainage sections have not objected subject to relevant drainage conditions (included in appendix 1) This includes amongst other matters provision to divert a culverted watercourse which runs beneath the site so that it flows as an open watercourse around the edges of the site. The proposed water management and containment measures required by the Environment Agency will ensure that there is no risk of pollution entering the headwaters of the Star Brook. It is concluded that adequate information and commitments relating to drainage and pollution control have been provided at this stage. It is concluded therefore that the proposals can be accepted in relation to development plan policies and guidance covering the protection of water resources. (Core Strategy Policy CS18; NPPF – natural environment (s110))
- 7.30 Lighting The proposed site is located away from private dwellings. Low levels of external lighting are proposed. The applicant has confirmed that measures would be employed to minimise any unnecessary light spill. There would be no round the clock

external lighting. A lighting condition has been recommended by Public Protection and is included in appendix 1.

- 7.31 Health Emissions to air, water and land would be controlled through an Environmental Permit issued by the Environment Agency. The Agency has confirmed that emissions from anaerobic digestion are low compared with other waste management options such as composting. As the main process is enclosed and anaerobic all emissions would be sufficiently reduced. It is considered that the proposals can be accepted in relation to health matters. (Waste Local Plan Policy 4, 25)
- 7.32 Pests The proposed silage clamp would incorporate measures to ensure secure storage of feedstock materials. A visual inspection regime and associated measures would be implemented to prevent pests or vermin. It is recommended that a planning condition to cover this is imposed in the event of permission being granted.
- 7.33 Gas storage: The AD process produces biogas (methane) but the plant is designed and sized to minimise the amount of gas storage required, with gas production closely linked to rate of use. The gas holders are mainly employed to provide a sealed cover to the plant and to manage minor interruptions to the generator system. The design of the proposed facility would incorporate appropriate fire prevention measures. Sufficient access to the AD tanks would be available for fire-fighting purposes, via the area between the silage clamps. It is recommended that a condition is imposed requiring details of fire prevention measures to be submitted in the event of permission being granted.
- 7.34 Energy efficiency / use of surplus heat: As well as producing electricity, the proposed facility would generate an equivalent amount of energy in the form of surplus heat (0.6 MW of heat per hour). Some of this would be used to maintain the temperature of the AD tanks. It would also be possible in principle to utilise remaining heat energy in nearby buildings. It is recognised that provision of the necessary infrastructure for distributing the heat is costly and the ability to utilise remaining surplus heat will therefore be influenced by factors including the availability of suitable local end-users and the level of government grant subsidy available for renewable heat energy schemes. The ability to optimise the use of surplus heat would be beneficial in terms of national climate change and energy policy and would further reduce the carbon footprint of the proposals. It is therefore considered that, if planning permission is granted, a condition requiring an annual review of the potential to maximise use of renewable heat energy is imposed. It is understood that discussions have already taken place with one potential heat user. Subject to this it is considered that the proposals can be accepted in relation to the objectives of national climate change and energy policy and related development plan policies.
- 7.35 Development precedent: Some objectors to the scheme have expressed concerns that the proposals may set a wider precedent for further development on the eastern side of the Whitchurch By-Pass in this locality. It is however considered that the unique characteristics and locational justifications for the current proposals can clearly be treated as a special case and an exceptional circumstance. As such, it is not considered that the proposals would be likely to establish a precedent for any further development by private developers in this area.
- 7.36 Precedent for site extension: Objectors have expressed the concern that the site could expand further and that the recent amendment removing the food waste element could be reversed at some future date. With respect to site extension, it is not considered that the physical area of the site would be likely to extend given the geographic constraints

provided by the surrounding landscape and the proposed landscaping measures. An application plan shows a further digester tank in outline. However, it is emphasised that the addition of a second digester does not form part of the current application. A condition confirming this for the avoidance of doubt has been recommended in Appendix 1. Without prejudice, any application to extend the facility by adding a second digester would be the subject of a separate application which would be considered on its merits at the time.

7.37 Other matters. Some excavations are required for the purpose of site levelling and to create appropriate development platforms. The applicant states that loss of 2.15ha of pasture land within the site would be compensated through increased yields across the remainder of the farm, as a result of improved crop rotation and digestate fertilizer use. A nearby ancient monument would not be affected. A watching brief would be implemented during soil stripping work.

8.0 CONCLUSION

8.1 The site is in a greenfield location but is in proximity to an existing farm buildings complex. It is considered that the choice of location can be supported in principle, given the relationship of the site to the applicant's business premises, the agricultural linkages of the scheme and the ability to adequately contain the development.

8.2 The Town Council has objected to the proposals and local residents have expressed concerns particularly in relation to traffic, odour, hydrology, ecology and development precedent. An objection petition with over 900 signatures has also been received. The applicant has provided further information in relation to the above matters and has amended the proposals to remove the food waste element, so there are no outstanding objections from technical consultees.

8.3 The potential effects of the proposals have been assessed. It is considered that the proposals would not give rise to any unacceptably adverse effects when available control and mitigation measures are taken into account, including the recommended conditions and the Environment Agency Permit. The proposals would generate a limited number of additional farm vehicle movements relative to the amount which could occur from normal agricultural activity in the local area and the access is considered acceptable to accommodate these movements.

8.4 The proposed facility would allow renewable energy to be generated from existing agricultural materials which are already being grown / received within the wider farming unit. The ability to generate renewable energy to supply a specific need and the economic benefits of the scheme are significant material considerations. It is considered that these benefits, the characteristics of the scheme and the available control measures are sufficient to allow the proposals to comply on balance with Core Strategy Policy CS5.

8.5 The NPPF requires that applications for renewable energy should be approved if the impacts are, or can be made, acceptable (s98). It is concluded on balance that the proposals are capable of being accepted in relation to relevant development plan policies, guidance and other local considerations. Approval is therefore recommended subject to the conditions set out in appendix 1.

9. RISK MANAGEMENT AND OPPORTUNITIES APPRAISAL

9.1 Risk Management

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

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

9.2 Human Rights

9.2.1 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.

9.3 Equalities

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

9.4 Financial Implications

9.4.1 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. BACKGROUND

RELEVANT PLANNING POLICIES

Central Government Guidance:

10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

- 10.1.1 The National Planning Policy Framework (NPPF) advises that ‘development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision’. The framework sets out clearly what could make a proposed plan or development unsustainable.
- 10.1.2 The Government’s objective is that planning should support the transition to a low carbon economy in a changing climate, for instance, by the development of renewable energy (s17). To help increase the use and supply of renewable and low-carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low-carbon sources. They should:
- have a positive strategy to promote energy from renewable and low-carbon sources, including deep geothermal energy;
 - design their policies to maximise renewable and low-carbon energy development while ensuring that adverse impacts are addressed satisfactorily;
 - consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
 - support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
 - identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers (s97).
- 10.1.3 When determining planning applications, local planning authorities should apply the presumption in favour of sustainable development and:
- not require applicants for energy development to demonstrate the overall need for renewable or low-carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - approve the application if its impacts are (or can be made) acceptable. Once opportunity areas for renewable and low-carbon energy have been mapped in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying opportunity areas (s98).

Special tests apply however for development affecting National Parks and AONB’s (para. 116) and such areas should be afforded the strongest protection. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

- 10.1.4 The areas covered by the NPPF include:
- 1. Building a strong, competitive economy;
 - 2. Ensuring the vitality of town centres;
 - 3. Supporting a prosperous rural economy;
 - 4. Promoting sustainable transport;
 - 5. Supporting high quality communications infrastructure;

- 6. Delivering a wide choice of high quality homes;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 9. Protecting Green Belt land;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;
- 13. Facilitating the sustainable use of minerals.

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

- CS5: Countryside and Green Belt;
- CS6: Sustainable Design and Development Principles;
- CS13: Economic Development, Enterprise and Employment;
- CS14: Managed release of Employment Land
- CS16: Tourism, Culture and Leisure
- CS17: Environmental Networks
- CS18: Sustainable Water Management

10.3 Saved Local Plan Policies:

10.3.1 Shropshire Structure Plan – Relevant saved policies:

- P16: Protecting air quality;
- P67: Environmental considerations.

10.3.3 The North Shropshire Local Plan The site is not affected by any specific designations in the Plan. Previously relevant policies have now been replaced by the policies in the Core Strategy.

10.4 Emerging planning policy documents and guidance

10.4.1 Site Management and Allocation of Development Document (SAMDEV) – The site falls

within the Whitchurch area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDEV acknowledges that 'Shropshire must play its part in providing energy from renewable sources. We want to encourage renewable energy developments but we also need to conserve Shropshire's high quality environment. Current Government guidance suggests we should develop criteria to enable low carbon and renewable energy development to proceed when there are no significant adverse effects on recognised environmental assets'.

10.4.2 Draft development management policies for the SAMDEV have been published and indicate the direction of future policy change. The most relevant directions for the current proposals are:

- MD2 – Promoting sustainable design;
- MD7 – Managing development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD9 – Safeguarding and improving employment investment (includes seeking to protect existing employment sites in rural areas);
- MD12 – Protecting and enhancing Shropshire's natural and historic environment.

It is considered that the proposals are in broad compliance with these policy directions.

10.5 Other strategies and considerations:

10.5.1 The UK Renewable Energy Strategy (July 2009) implements the EU Renewable Energy Directive which includes a legally binding UK target to secure 15% of energy from renewables by 2020 (a seven-fold increase from 2008 levels). The government states that this will assist in addressing climate change and security of energy supply whilst creating up to half a million jobs in the renewable energy sector by 2020. The strategy advocates the following targets:

- More than 30% of our electricity generated from renewables, (up from about 5.5% today);
- 12% of our heat generated from renewables, (from very low levels today);
- 10% of transport energy from renewables, (current level of 2.6%).

10.5.2 The UK Low Carbon Transition Plan (July 2009) aims to deliver emission cuts of 18% on 2008 levels by 2020. This will be achieved amongst other matters by getting 40% of our electricity from low carbon sources by 2020 (30% from renewables) and by substantially increasing the requirement for electricity suppliers to sell renewable electricity. The plan also sets out measures to promote greener homes and industries. The Government has put in place a legally binding target to cut emissions 80% by 2050 and a set of five-year "carbon budgets" to 2022 to keep the UK on track.

10.5.3 The Climate Change and Sustainable Energy Act 2006 sets out the Government's long term goal of reducing carbon dioxide emissions by 60% by 2050.

10.5.4 DEFRA's Climate Change Plan 2010 sets out how DEFRA will deal with the challenges of climate change. It refers to anaerobic digestion and states: "Anaerobic Digestion can reduce methane emissions from manures and slurries, whilst at the same time producing renewable energy in the form of biogas and digestate that can be used as fertiliser. The Anaerobic Digestion Implementation Plan published by DEFRA in March 2010, provides a

framework for joint action by Government and Industry to drive a major increase in the use of anaerobic digestion.”

11. RELEVANT PLANNING AND SITE HISTORY:

11.1 The application site itself is not affected by any previous planning permissions.

12. ADDITIONAL INFORMATION

12.1 Policies material to the determination of the application

In determining the Local Planning Authority gave consideration to the policies listed in section 10 of this report.

List of Background Papers: Planning application reference 14/01398/MAW and associated location plan and documents

Cabinet Member (Portfolio Holder) Cllr M. Price

Local Member: Cllr Gerald Dakin (Whitchurch South)
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Appendices: Appendix 1 – Conditions

APPENDIX 1

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Government's Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant sought and was provided with formal pre-application advice by the authority. Further information has since been submitted on odour and feedstocks in response to comments received during the planning consultation process. The submitted scheme, has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions and legal agreement.

Conditions

COMMENCEMENT OF DEVELOPMENT

- 1a. The development to which this planning permission relates must be begun not later than the expiration of three years from the date of this permission.
- b. Not less than fourteen days prior notice shall be given of the intended date for the commencement of any development under the terms of this permission, including Site preparation and construction works. Such date shall be referred to hereinafter as "the Commencement Date".
- c. Not less than seven days prior notice shall be given in writing of the intended date for the commencement of anaerobic digestion operations at the site, hereby referred to as the "Commissioning Date".

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a), to define and provide appropriate advance notice of the Commencement Date (1b) and to facilitate proper monitoring of Site operations linked to the commencement of the use hereby approved (1c).

DEFINITION OF SITE AND DEVELOPMENT

2. This planning permission shall only relate to the area edged red on the approved planning application boundary plan (drawing number SA13299/01) hereinafter referred to as "the Site".

Reason: To define the area to which this planning permission relates.

3. Except as otherwise provided in the conditions attached to this permission the operations and uses hereby permitted shall be carried out strictly in accordance with the approved scheme comprising:-

- i. The application form dated 27th March 2014 and the accompanying information including:
 - Environmental Supporting Statement;
 - Planning Statement;
 - Biodiversity survey ad report;
 - Visual Appraisal;
 - Flood Risk Assessment;
 - Highways statement;
 - Noise assessment;
 - Odour management plan, impact report and design advice;
 - Surface Water Management Statement;
 - Visual impact ad landscape assessment.

- ii. The permitted drawings accompanying the planning application. For the avoidance of doubt these include:
 - Drawing no: SA13299/01 – Location plan;
 - Drawing no: SA13299/02 – Existing Block Plan;
 - Drawing no: SA13299/03 - Proposed Block Plan;
 - Drawing no: SA13299/04 – Proposed Elevations;
 - Drawing no: SA13299/05 – Site Sections & Building Floor Plans and Elevations;
 - Drawing no: 01/01 – Topographic Survey.

- iii. The supplementary information from Berries, namely:
 - Letter dated 12th November 2014.

Reason: To define the permitted development.

TRAFFIC AND ACCESS

- 4a. No development shall take place until full engineering details for the right turning facility and access alterations including the closure of the existing south westerly access have been submitted to and approved by the Local Planning Authority. The development hereby permitted shall not be occupied until the works have been carried out in accordance with the approved details.

- b. Access to and egress from the site shall not be obtained other than via means of the access onto the public highway referred to in Condition 4a above.

Reason: In the interests of highway safety and residential amenity.

5. Prior to the Commencement Date the developer shall submit to the Local Planning Authority a Construction Management Plan confirming the details of the construction phase. The scheme shall include amongst other matters the timing of the construction works, the location of any contractor's compound and confirmation of traffic management measures to facilitate the importation of construction materials to the Site.

Reason: In the interests of highway safety, residential and general amenity.

6. The site access and internal circulation areas shall be cleaned as necessary with a tractor mounted brush or other similar device in order to prevent the trafficking of mud onto the public highway.

Reason: In the interests of highway safety.

USE OF THE FACILITY AND CONTROL OF TONNAGES

7. The principal uses of the Site shall be restricted to:
- i. the anaerobic digestion process and the associated receipt, handling and storage of agricultural wastes and crop products;
 - ii. generation of electricity and heat and other ancillary operations associated with the above activities.

Reason: To define the type and sources of materials permitted to be managed and handled at the Site in accordance with the approved scheme, in the interests of general amenity and to protect surface and groundwater from pollution.

- 8a. The maximum tonnage of materials imported to the Site in any calendar year shall not exceed 26,000 tonnes. For the avoidance of doubt a calendar year shall comprise the period between 1st January and 31st December.
- b. The Site operator shall maintain a record of the tonnage of materials including energy crops and agricultural wastes delivered to the Site and the numbers of associated HGVs and tractor and trailer loads. The record shall be made available to the Local Planning Authority upon prior written request. A report of the total tonnage of waste imported to the Site in each successive calendar year shall also be provided to the Local Planning Authority in writing within one month of the year end.

Reason: To ensure that the development remains within the general levels of activity specified in the planning application in the interests of highway safety and general amenity whilst having regard to the fact that different potential feedstocks may have different calorific values (8a). To facilitate monitoring of tonnages imported to the anaerobic digestion facility by the Local Planning Authority (8b).

Note: The operator should employ traffic management measures to reduce the impact of Site traffic during peak times such as harvesting. Consideration should be given to:

- *Control of dispatch of vehicles from the Site to reduce the possibility of tractor and trailer units associated with the Site meeting on narrower parts of the public highway;*
- *Reducing the need where possible to harvest different crops within the farm unit at a similar time;*
- *Controlling the importation of poultry manure so that it is not coincident with harvesting or digestate spreading wherever possible;*
- *Ensuring drivers of AD tractors & trailers adhere to appropriate speed limits and safeguards whilst negotiating the local highway network;*
- *Providing identification markings so that vehicles using the Site can be readily identified.*

STORAGE

9. The storage of feedstock materials at the Site in connection with the anaerobic digestion process hereby approved shall not take place other than in the feedstock reception building or in the silage clamps which are shown on the approved plans.

Reason: To ensure that storage of feedstocks for the anaerobic digester can be adequately accommodated within the overall Site layout and in the interests of general and visual amenity.

NOISE

10. Noise from the operation of plant in the engine room (together with noise from system pumps, and from any other associated plant) shall be attenuated to achieve a calculated level which does not exceed 5 decibels (dB(A)) above the night time background noise level outside the nearest noise sensitive property.

Reason: To protect the amenity of the occupiers of nearby properties.

- 11a. Notwithstanding condition 10, the following noise attenuation measures shall be applied during operation of the site:

- i. All vehicles and mechanical plant employed at the Site shall be fitted with effective exhaust silencers which shall be maintained in good efficient working order.
- ii. Machines in intermittent use shall be shut down or throttled down in the intervening periods when not in use or throttled down to a minimum.
- iv. All ancillary plant such as generators, compressors and pumps shall be positioned so as to cause minimum noise disturbance;

- b. All fixed and mobile plant based at and operating within the Site shall be fitted with attenuated reversing alarms. Details of the types of reversing alarm proposed to be fitted to vehicles / plant under the terms of this condition shall be submitted for the approval in writing of the Local Planning Authority prior to the Commissioning Date.

Reason: To minimise the possibility of adverse noise impact from Site operations at the closest receptor locations, including properties adjacent to the access from the public highway.

ODOUR AND AIR EMISSIONS

- 12a. Prior to the Commencement Date the operator shall submit an odour management plan for the approval in writing of the Local Planning Authority. The submitted plan shall be designed to ensure that operations are carried out in such a way that odour is minimised so far as is reasonably practicable and that best practicable means are employed to avoid the creation of a statutory nuisance, including implementation of the following measures:

- i. Management and containment of stored feedstock materials to reduce odour emissions;

- ii. Ensuring that all site personnel recognise the importance of odour minimisation and that relevant personnel are aware of how to control odour emissions;
 - iii. Ensuring that poultry manure is not imported to the Site via the public highway and site access road other than in covered loads and any cattle slurry which may subsequently be imported is not imported other than in enclosed tanks;
 - iv. Provision to cover the digestate storage tank if necessary in order to further reduce the potential for odour emission.
- b. Following approval of the scheme required by condition 12a the Site shall thereafter be managed in accordance with the approved scheme.

Reason: To reduce the impact on local amenities of odour arising from Site operations.

13. All yard surfaces and circulation areas within the Site shall be swept as necessary to remove mud / debris and water shall be applied to such areas as appropriate during dry conditions in order to prevent the generation of dust.

Reason: To reduce the impact on local amenities and air quality of dust arising from Site operations.

PEST / VERMIN CONTROL

- 14a. No delivery of waste to the Site shall occur until a detailed scheme for the control of pests and vermin has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall in particular provide for:
- i. Measures to reduce the attractiveness of the Site to pests and vermin, including maintenance of secure feedstock storage areas;
 - ii. An inspection regime with prompt implementation of appropriate control measures in the event that a pest control problem becomes apparent, with details to be provided to the Local Planning Authority upon implementation of the measures.
- b. Following approval of the scheme required by Condition 14a the Site shall thereafter be managed in accordance with the approved scheme.

Reason: To ensure that appropriate measures are in place to control the possible effects of pests and vermin.

AMENITY COMPLAINTS PROCEDURE

15. Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
- i. Investigation of the complaint;
 - ii. Reporting the results of the investigation to the Local Planning Authority;

- iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

HOURS OF OPERATION

- 16a. With the exception of use of the generator and normal continuous running of the anaerobic digestion process no operations hereby permitted shall be undertaken at the Site, except during the following hours:

Mondays to Fridays	07.00 to 21.00 hours
Saturdays:	07.00 to 21.00 hours
Sundays / Bank Holidays	08.30 to 18.30 hours

- b. Notwithstanding Condition 16a, provision shall apply for extended working for not more than 10 periods in any calendar year in order to cater for exceptional circumstances. During periods of extended working no operations hereby permitted shall be undertaken at the Site, except within the hours specified in Condition 16a above and during the following hours:

Mondays to Fridays	05.00 to 23.00 hours
Saturdays:	05.00 to 23.00 hours
Sundays / Bank Holidays	06.30 to 20.00 hours

Records of extended working under this condition shall be maintained and shall be provided to the Local Planning Authority upon request.

- c. Construction activities shall be restricted to within the following times:

Monday to Friday: 07:30- 18:00,
Saturdays: 08:00 - 13:00.
No construction shall occur on Sundays or bank holidays.

- d. Vehicle movements and deliveries during construction shall be restricted to the following times:

Monday to Friday: 07:30- 18:00,
Saturdays: 08:00 - 13:00.
No construction shall occur on Sundays or Bank Holidays.

Reason: To ensure that operational times at the Site are controlled in order to reduce the impact of the development on the local area and amenities (16a, c, d) whilst making appropriate provision for extended working to cater for exceptional circumstances (16b).

Note: Wherever possible, the Local Planning Authority should be notified in advance of any proposed periods of extended working under the terms of Condition 18b.

BUILDINGS, STRUCTURES AND PLANT

17. Prior to the Commencement Date the detailed specifications and surface treatments including cladding colour (BS reference) of the anaerobic digester units and associated buildings and structures shall be submitted for the approval of the Local Planning Authority. The structures and associated surface treatments shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory standard of construction and in the interests of visual amenity.

18. All buildings, hard surfaces and fencing within and on the boundaries of the Site shall be maintained in an orderly state and fit for purpose, including maintenance of even, pothole free running surfaces in circulation areas for vehicles and plant.

Reason: To ensure that the Site is maintained to an acceptable standard in the interests of health and safety and general amenity.

19. Notwithstanding the approved site layout plan, not more than one digester tank shall be constructed at the site under the terms of this permission.

Reason: For the avoidance of doubt and to define the permission.

GENERAL PERMITTED DEVELOPMENT ORDER

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings, demountable structures, fixed plant, or structures of the nature of buildings or fixed plant, and no fence or soil mound, in addition to those shown on the approved plans listed in condition 3 above, shall be erected at the Site unless approval in writing for their details and specification has first been obtained from the Local Planning Authority.

Reason: To maintain control over the appearance of the site and ensure that the development is in accordance with the permitted details.

POLLUTION CONTROL AND DRAINAGE

21. Prior to the first operation of development, details of the decommissioning of existing field drainage systems; the re-routing of drainage and the existing underground culverted watercourse, as shown on drawing no. SA13299/03 rev A, shall be submitted to and agreed in writing by the Local Planning Authority. There shall be no watercourses or land drainage systems within 10 metres of the site installation boundary. Thereafter the works shall be carried out and maintained in accordance with the approved plans.

Reason: To decommission the existing underground drainage system (to re-route and install a new drainage system) and divert the piped watercourse, to prevent pollution of controlled waters.

22. Prior to the Commencement Date a scheme providing details of secondary containment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for the following:

- i. containment of any accidental spills / leaks based on 110% containment of the tank capacity including the proposed bund as shown on drawing no. MB470002 dated September 2013.
- ii. Compliance with the CIRIA 164 standard including ensuring that no surface water soakaway or drainage pipework breaches the bund;
- iii. Measures for dealing with minor spillages;
- iv. Measures for dealing with a catastrophic tank spillage event.

The containment measures shall be implemented in accordance with the approved scheme prior to the bringing into use of the Anaerobic Digester facility.

Reason: To prevent pollution of the water environment.

Note: As required by the Environmental Permit, all storage and process tanks should be located on an impermeable surface (a hydraulic permeability of not greater than 1×10^{-9} m/s) with sealed construction joints within the bunded area.

23a. Prior to the Commencement Date a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme required by this condition shall include the following details:

- i. Confirmation of measures for dealing with surface water run-off from the site including surface water soakaways for clean water only which are designed to either cater for the 1 in 100 year + 20% storm event, or cater for the 1 in 10 year storm event, (in which case a flood conveyance drawing for exceedence flows should also be submitted);
- ii. Measures to intercept surface water prior to flowing on to the public highway;
- iii. Confirmation that the finished floor level of buildings within the site is set above any known flood level;
- iv. Confirmation of detailed measures for dealing with contaminated surface water runoff from the site in accordance with the principles set out in the Flood Risk Assessment, including provision to isolate, store and manage such drainage in order to prevent groundwater pollution.
- v. Details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are being proposed.

b. Following its approval, the drainage measures shall be implemented in accordance with the approved details prior to the Commissioning Date.

Reason: To ensure that disposal of surface water is undertaken in a sustainable manner which also reduces flood risk.

Notes:

- i. *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 20% for climate change. Flood water should not affect other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for the approval in writing of the Local Planning Authority prior to the Commencement Date. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.*

- ii. *If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval under the scheme required by Condition 22a. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 20% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
- iii. *All concrete areas where feedstock and digestate are handled should have a system in place to allow for water that may be contaminated to be diverted away from the clean water disposal route in to the dirty water system.*
- iv. *Any contaminated/dirty wash water should be collected via impermeable surfaces and disposed of to an appropriate system. The applicant should incorporate measures to prevent the transmission of oils, fuel, or other hazardous materials from entering the AD process. For example, a separate sealed drainage system for areas likely to be contaminated with any wheel washing or oils etc. should be installed, perhaps with a sump system for disposal elsewhere in the absence of a mains foul sewer connection.*
- v. *As part of the sustainable urban drainage scheme ('SUDS'), the applicant is encouraged to employ the following measures:*
 - *Permeable surfacing on any new driveway, parking area/ paved area;*
 - *Rainwater harvesting system;*
 - *Greywater recycling system;*
 - *Green roofs;*
 - *Water Butts.*

LIGHTING

- 24a. No work shall commence until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the following details:
- i. hours of use of external lighting,
 - ii. the exact location and nature of any lights;
 - iii. the specification including height any fixed or mobile structures;
 - iv. the intensity of the lights;
 - v. the identification of areas to be illuminated and any measures to prevent light spilling on to areas outside the Site;
 - vi. measures such as shrouding to minimise disturbance through glare.
- b. Following approval of the lighting scheme required under condition 25a external lighting shall be installed in accordance with the approved details.

Reason: To ensure a satisfactory standard of lighting for the development, balancing health and safety and security requirements with the visual amenity and ecological considerations and to minimise disturbance to bats, a European Protected Species.

Notes:

- i. *The submitted scheme shall also be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.*
 - ii. *In order to reduce the likelihood of complaints regard should be had to the following considerations when considering the design of lighting schemes:*
 - *What is the minimum lighting level required and what areas require lighting.*
 - *Where could light produced have the potential to impact upon others? By considering which areas may be most sensitive to light it may be possible to reduce the need for lighting in these areas and in turn remove the likelihood of any complaint being received*
 - *Sky glow should be minimized. As a result it is recommended that no light is emitted above horizontal and ideally all lighting should be angled below 90 degrees from vertical.*
 - *Glare should be minimised by giving careful thought to the positioning and orientation of lighting as well as the need for baffling and appropriate light fittings*
 - *Light spill should be reduced wherever possible. It is this aspect that is most likely to give rise to complaints. In order to reduce light spill the use of double asymmetric light fittings is suggested. They should be appropriately angled to stop light spilling onto/into other properties*
 - *Where lighting is not required all of the time, e.g. security lighting, floodlighting of a sports field, it is recommended that sensors are used with an appropriate cut off time or that lighting is on a timer to ensure that lights go off once activities have finished*
 - *The lowest Wattage lighting should be used in order to reduce glare and light spill.*
25. Prior to the Commencement Date a scheme detailing the proposed fire protection measures to be put in place at the Site shall be submitted to and approved in writing by the Local Planning Authority and the Site shall thereafter be operated in accordance with the approved scheme.

Reason: In the interests of fire prevention..

LANDSCAPING AND AFTERCARE

- 26a. Prior to the Commencement Date a detailed landscaping scheme to supplement the details provided in the application shall be submitted for the approval in writing of the Local Planning Authority, taking account of the recommendations of the Ecological Report from Greenscape Environmental Ltd accompanying the planning application. The approved scheme shall be implemented within the first available planting season following the approval of the scheme in writing by the Authority and shall include:
- i. Details and specification of planting including the species, specification, origin, method and density of planting, with provision for use of a high percentage of native species and provision of species rich hedgerow;
 - ii. Details of protection measures and procedures for addition of soil ameliorants.
- b. All existing hedgerows, shrubs and trees on the margins of the Site which are not allocated for removal as part of the development and all new planting at the Site shall be retained and protected from damage for the duration of the operations hereby approved.

Reason: To local amenities by reducing the visual impact of the proposal and in the interests of ecology.

27. All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including cultivation and weeding. Any trees or plants that are removed, die or become seriously damaged or defective within the aftercare period, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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

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

- 29a. Prior to the first occupation of the building hereby approved details of three woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.
- b. Prior to the first use of the building hereby approved six woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be installed on the site.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species (29a) and besting opportunities for wild birds (29b) in the interests of biodiversity (Core Strategy Policy CS17).

Notes:

- i. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and a licenced bat ecologist should be contacted for advice.*
- ii. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. Operations shall be managed to avoid the need to commence work affecting vegetation in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation shall not proceed unless*

it can be demonstrated to the Local Planning Authority that there are no active nests present.

ANNUAL REVIEW

- 30a. An annual review meeting involving the operator to the Local Planning Authority shall be held in order to review the performance of the Site over the previous calendar year in relation to the requirements of conditions attached to this Planning Permission. The meeting shall be held no later than 3 months after the year end.
- b. The annual review meeting shall also assess the potential for utilizing additional heat from the CHP unit with provision for taking appropriate further action in the event that identified trigger levels are reached.

Reason: To provide a suitable mechanism for the ongoing review of Site operations.

CESSATION OF USE

- 31a. Not less than 2 weeks prior notice in writing shall be provided to the Local Planning Authority of the permanent cessation date for the operations hereby approved, or for any temporary cessation of operations for in excess of one month.
- b. Not less than 6 months prior to the planned date for any permanent decommissioning of the development hereby approved the operator shall submit proposals for decommissioning of the development within an agreed timescale for the approval of the Local Planning Authority. Such plans shall make provision for leaving the site in a condition suitable for future development, with provision to remove all buildings, hardstandings and structures which are not required in connection with the Site's subsequent afteruse.

Reason: To ensure that the Site is left in a tidy condition capable of a beneficial afteruse in the event of any permanent decommissioning of the development hereby approved.

RETENTION OF APPROVED DOCUMENTS

32. A copy of this planning permission and any schemes permitted under its terms and conditions shall be retained at the Site and be available for inspection by staff at the Site and officers of the Local Planning Authority.

Reason: To ensure staff on Site are aware of planning controls to be complied with.

Habitat Regulation Assessment (HRA) Screening Matrix & Appropriate Assessment Statement

Application name and reference number:

14/01398/MAW

Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works - Broughall Fields Farm Ash Road Whitchurch, Shropshire

Date of completion for the HRA screening matrix:

19th May 2014

HRA screening matrix completed by:

Alison Slade

Planning Ecologist

Shropshire Council

01743 252578

Alison.Slade@Shropshire.gov.uk

Table 1: Details of project or plan

Name of plan or project	Anaerobic Digestion plant at Broughall Fields Farm Ash Road Whitchurch
Name and description of Natura 2000 site	<p>Brown Moss SAC and Ramsar site, part of the Midland Meres and Mosses Phase 1.</p> <p>Brown Moss SAC (32.02ha) is a series of pools set in heathland and woodland. The site is of special importance for the marsh, swamp and fen communities associated with the pools which occupy hollows in the sand and gravel substrate.</p> <p>Criterion 1a. A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog.</p> <p>Ramsar criteria:</p> <p>Criterion 2a. Supports a number of rare species of plants associated with wetlands. The site contains the nationally scarce sixstamened waterwort <i>Elatine hexandra</i>, needle spike-rush <i>Eleocharis acicularis</i>, cowbane <i>Cicuta virosa</i>, marsh fern <i>Thelypteris palustris</i> and elongated sedge <i>Carex elongate</i>.</p> <p>Criterion 2a. Contains an assemblage of invertebrates, including the following rare wetland species. 3 species considered to be endangered in Britain, the caddis fly <i>Hagenella clathrata</i>, the fly <i>Limnophila fasciata</i> and the spider <i>Cararita limnaea</i>. Other wetland Red Data Book species are; the beetles <i>Lathrobium rufipenne</i> and <i>Donacia aquatica</i>, the flies <i>Prionocera pubescens</i> and <i>Gonomyia abbreviata</i> and the spider <i>Sitticus floricola</i>.</p>
Description of the plan or project	<p>Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works.</p> <p>Substrate from different feed stocks is mixed in a fermentation tank or biogas digester. Methane is produced from the anaerobic process. The gas is dried and vented into a gas engine connected to a generator to produce electricity.</p>

	Liquid digestate will be stored in a tank.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement

The application site is approximately 1km to the north west of Brown Moss SAC/Ramsar site. It is outside the surface water catchment area for the European site. The application includes an Environmental Supporting Statement and Odour Risk Assessment, which describe the means by which air emissions (and odours) will be controlled. The prevailing winds are from the west and southwest, so generally away from Brown Moss.

NE states in their letter dated 30th April 2014 that emissions resulting from the anaerobic digestion process are unlikely to have a significant effect beyond 500 metres from the application site and that Brown Moss is around twice this distance from the site.

The Significance test

The proposed works in application 14/01398/MAW Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works - Broughall Fields Farm Ash Road Whitchurch, Shropshire will not have a likely significant effect on the Brown Moss SAC and Midland Meres and Mires Phase 1 Ramsar site due to no pathways for an effect. An Appropriate Assessment is not required.

The Integrity test

The proposed works in application No: 14/01398/MAW Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works - Broughall Fields Farm Ash Road Whitchurch, Shropshire will not have an impact on the integrity of the Brown Moss SAC and Midland Meres and Mires Phase 1 Ramsar site due to no pathways for an effect. An Appropriate Assessment is not required.

Conclusions

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

conditions listed at appendix 1 and subject to the applicants entering into a S106 agreement to secure the provision of affordable housing.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 68 dwellings on a 3.37 hectare site on the northern side of Ellesmere. The application site would form an extension to the existing modern housing estate which consists of Teal Drive and a series of three other cul-de-sacs. The application also includes the provision of an area of public open space.
- 1.2 The access into the site would be from the end of the existing spine road to the estate, Teal Drive, this would then continue through the application site with a number a cul-de-sacs leading from it. At the heart of the site there would an area of public open space which would also include a pond, this would act as a drainage balancing pond.
- 1.3 The scheme would provide a mix of dwelling types. The 61 open market dwellings would be a mix of 3, 4 and 5 bed dwellings and the 7 affordable dwellings would be a mix of 1, 2 and 3 bed properties.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a 3.37 hectare area comprising of two adjoining fields used for agricultural purposes. The modern housing development which includes Teal Drive, Kingfisher Walk, Heron Close and Robin Close abuts the south western boundary. This existing estate has 51 dwellings which are mainly large detached properties although there are a small number of smaller semi-detached and terraced properties. The south eastern boundary is defined by the trees lining the route of the former railway line, beyond there is another modern housing estate. A public footpath runs from the eastern most corner of the application site and this is accessed from a path off Hill Crest. The remainder of the boundaries are defined by mature hedgerows with intermittent tress that have formed the pattern and layout of the agricultural fields. The edge of the site is approximately 480 metres (as the crow flies) from the centre of Ellesmere. The site is considered to be semi rural in its appearance being located with the urbanised edge of Ellesmere on one side and open fields to the other.
- 2.2 In terms of current development plan policies the site sits within an area defined as open countryside. In terms of emerging policy the site is not included as a draft allocation in the Site Allocations and Management of Development (SAMDev) Plan which has now been submitted to the Planning Inspectorate. The application site was considered as part of the SAMDev process and site was numbered ELL004. The site was a potential option for new residential development along with two other sites which collectively could have provided around 222 dwellings in the SAMDev Revised Preferred (July 2013). However, all three sites were removed from the submitted SAMdev plan in favour of site ELL003 which is to the southern side of Ellesmere. The SAMDev Sustainability Appraisal Report (February 2014)

states that the site (ELL004), “is now seen to have flooding issues” and that, “Houses adjacent to this site were recently flooded and concerns were raised by residents which consequently led to the site being dropped”.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application has been requested by the Local Member to be considered by the committee and the Parish Council has submitted views contrary to officers based on material planning reasons, the Principle Planning Officer and the Committee Chair and Vice-Chair agree that the application should be determined by the relevant Planning Committee

4.0 - Consultee Comments

4.1.1 **Ellesmere Town Council**- Ellesmere Town Council would like to object to this planning application for the following reasons.

1. Flood Risk – This area has a history of flooding which residents have been victim to on regular occasions.

2. Traffic Generation that will be created from the additional 70 dwellings as well as the highways safety at the access of Teal Drive for motorists exiting onto what is already a very busy and fast road that being Grange Road.

3. Members are concerned on the environmental impact that this development will have on the area immediately surrounding the proposed development.

4. Community Apprehension – Due to the historical local evidence of flooding in this area that the local residents have fallen victim to on numerous occasions, they are extremely concerned that increased risk that this development will have on their dwellings.

4.1.2 **Highways- No objection** subject to conditions

4.1.3 **Affordable Housing**- The affordable housing contribution proforma accompanying the application indicates the correct level of on site affordable housing provision and the proposed mix meets some of the current need in Ellesmere, therefore satisfies the provisions of the SPD Type and Affordability of Housing

4.1.4 **Drainage**- Drainage details, plan and calculations could be conditioned and submitted for approval. The Drainage strategy on the FRA is acceptable in principle.

4.1.5 **Natural England**- Awaiting comments

4.1.6 **Learning and Skills**- report that this development is forecast to cause medium and longer-term capacity problems at the local primary school. It is therefore essential that the developers of this and any new housing in the town contribute towards the consequential cost of any additional places/facilities considered necessary at the school.

4.1.7 **Ecology- No objection** subject to Natural England being consulted and the addition of appropriate conditions and informative.

4.1.8 **Trees**- No objection to the revised plans

4.1.9 **Rights of Way**- Public Footpath 3 runs within the south eastern boundary of the site identified as acknowledged in the Design and Access statement. The footpath will be directly affected by the application. The footpath will require a legal diversion by the applicants under the terms of the Town and Country Planning Act 1990.

4.2 - Public Comments

Letters of objection received commenting on the following issues:

Ruin the rural aspect of the town

Already enough new build in the town

Lack of capacity at the school

Lack of capacity at the doctors

Highway Safety

3-storey building too large

Increased traffic

No extra employment generated by development

Increased risk of flooding

Scheme would jeopardise the Wharf development

Site does not comply with SAMDev

Safety of balancing pool

Impact on internet speed

Children would be able to play safely

Highways conflict with Fullwood Ltd

surface water

Recent history of flooding from the surface water drainage off the application site.

Site is a precursor to further development

Health risks from sub-station

Impact upon Ellesmere for tourists

Scheme would not enhance the town

Ecological impact on the Mere

Ecological impact on protected species

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

Flooding

Impact on neighbours

Public Right of Way

Ecology

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. Since the

adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that 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 NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to ‘boost significantly the supply of housing’ therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.
- 6.1.3 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 years’ supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination and adoption of the SAMDev.
- 6.1.4 In the intervening period between submission and adoption, sustainable sites for housing where the adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF. As such it remains officer’s advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.
- 6.1.5 It is acknowledged that the site is outside the development boundary previously set within the North Shropshire Local Plan under H5 which currently is a saved policy . As such the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, these policies are at risk of being considered “time expired” due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’.

6.1.6 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. Policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

6.2 Is the site Sustainable?

6.2.1 The site is located on the outer edge of one of the larger settlements in North Shropshire. Policy CS3 of the Core Strategy states that Market Towns will provide “Balanced housing and employment development, of an appropriate scale and design that respects the towns’ distinctive character”. By its very nature a market town such as Ellesmere has a range of services, facilities, transport links and employment opportunities which are not only used by residents in Ellesmere but also to its rural hinterland.

6.2.2 When assessing the sustainability of a site its distance from services, facilities and employment is one of a number of factors to be taken into account when undertaking the planning balance. Alongside issues of impact on highway safety, ecology, social impact and development and the loss of agricultural land.

6.2.3 The strands of sustainability referred to in paragraph 7 of the NPPF are economic, social and environmental, further consideration of how the proposed development impacts upon these elements is set out below.

6.3 Economic Consideration

6.3.1 In economic terms the proposed development will provide employment during the constructions process and support suppliers, Community Infrastructure Levy contributions, New Homes Bonus and additional community charge receipts; although these benefits would be achieved by any new housing development and in any location. An increase in the number of people living within the town would provide an increased amount of spending power who would help to support and maintain the wide range of services that the town has to offer. As an important settlement it is well connected by public transport with bus services to Oswestry, Wem and Shrewsbury.

6.3.2 The application site is grade 3 agricultural land which is of ‘good to moderate’ quality. As such it is not the best or most versatile agricultural land. The National Planning Policy guides local authorities to consider the economic and other benefits of agricultural land and, where significant development is necessary, to use lower quality land in preference to higher quality land. Although the development of this site will result in the loss of an area of good to moderate quality land it is considered by officers that the economic benefits of the proposed development outweigh the economic benefits of retaining the land in agricultural use. The need for retaining agricultural land for food production does not outweigh the presumption in favour of sustainable development. Overall, although the loss of agricultural land is a harm resulting from the development this harm is not

considered to outweigh the benefits.

6.4 Social Consideration

6.4.1 Socially the scheme will provide both affordable and open market housing of which there is a proven need across Shropshire as set out in policy CS11 of the Core Strategy. The development would provide 7 affordable dwellings consisting of 1, 2 and 3 bed properties. This provision is fractionally in excess of the planning policy requirement of 10% which would result in 6 dwellings plus a financial payment, however this 'over provision' should not be awarded any weight in the planning consideration as it is not required to make the scheme acceptable in policy terms. The scheme would provide infrastructure improvements through the payment of the Community Infrastructure Levy under policy CS9. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL ensures that this matter will be dealt with after the consent. The CIL contribution would provide for infrastructure enhancements as required.

6.4.2 It is recognised that increasing the number of residences in a settlement without a proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement. One example that has been cited by residents is the local medical surgery which is said by residents to be at capacity with a long wait to have an appointment with a doctor. The provision of a replacement GP surgery in the town is listed as a 'Priority' in the Place Plan where it is advised that the Primary Care Trust has the replacement of the existing surgery as its list of premises for development but no additional PCT funding has been identified for new premises. Options for use of developer contributions should be explored in consultation with the PCT. Land has already been earmarked for a new building as part of the previously approved Wharf development.

It is also acknowledged that Ellesmere has recently been the subject of a number of other planning applications for large residential schemes, this includes the site at the Hawthorns for around 130 dwellings (14/00822/OUT) and was considered by members in August 2014 where there was a resolution to grant permission, this application is currently awaiting the completion of the S106 agreement. The site at the Old Station Yard for around 56 dwellings (14/01744/OUT) where there was a resolution to approve under delegated powers and is also awaiting the completion of the S106. The most recent application is for the SAMDev allocation mixed use site adjacent to the canal (14/04047/OUT) which is currently under consultation and could provide around 225 dwellings.

6.4.3 Concerns have also been expressed about the number of school placements available in the town. The Learning and Skills section of the Council have confirmed that there is pressure on the primary school places and a new classroom will be provided this summer and that there will be a need to provide a 3 new classrooms over the plan period. Additional classroom accommodation would be funded by payment received through the community infrastructure levy.

6.4.4 It is acknowledged that the proposed development is a significant number of dwellings however Ellesmere is a significant settlement and one that is expected to

accommodate a significant number of dwellings over the plan period, along with the other Shropshire Market Towns. It is considered by Officers that whilst the proposed development is large, more than doubling the number of dwellings on the estate, it is not considered to be so excessively large to overwhelm Ellesmere or significantly impact upon the existing local community.

- 6.4.5 The site would have good access for pedestrians or cyclists into the town centre or to the Mere for recreational purposes. However as part of the Sustainability Appraisal carried out as part of the SAMDev process the site did score negatively for access to a primary school and young peoples recreational facility. The primary school is approximately a 0.9 km walk away as there is no direct route because of the location of existing industrial premises.
- 6.4.6 The site benefits from bus service no. 53 which passes the end of Teal Drive towards Oswestry. The town centre then also offers routes to Shrewsbury. The site is well located to benefit from these public transport services.
- 6.4.7 Overall it is considered that the proposed addition of 70 dwellings on the site would not result in a level of pressure on local infrastructure which would justify refusing the application, where necessary identified improvements could be carried out by CIL which is generated by new development. The site is within walking distance of the town centre where there is a significant range of services, facilities, shopping and employment opportunities as well as primary and senior schools. The scheme would also provide new housing, including affordable housing.
- 6.4.8 Unlike many other recent planning applications for residential development this is a full application rather than just seeking outline consent. As such fully worked up drawings have been produced indicating that the developer is wanting to develop the site rather than simply getting consent and waiting. The applicant is also happy to have just 12 months in which to commence development. As such there is a very strong likelihood of the development being delivered and would begin to provide the associated benefits within a relatively short period of time.

6.5 Environmental Considerations

- 6.5.1 Accompanying the application the applicant has provided an independent Landscape Visual Impact Assessment (LVIA). The report states that the sensitivity of the settlement's existing edge is considered to be 'medium' because of the enclosed nature of the site created by existing vegetation and the topography and that with the mitigation of new planting and the retention of major trees the magnitude of the effect on the settlement edge is considered to be 'medium'.
- 6.5.2 The application site itself contains a number of mature and semi- mature Oak trees which have grown to become good specimens. The submitted LVIA considers that the site is of generally pleasant character but with no unique or distinctive features which cannot be found elsewhere in the area. The adjacent housing and power lines are considered to detract from the rural nature of the site's character. The mature Oak trees, line of Poplars and ground flora provide an attractive setting but are reproduced elsewhere. As such the LVIA sensitivity of the application site is considered to be 'medium'.
- 6.5.3 The development will inevitably change the nature of the site's character where

grassland and herbaceous layer will be replaced with housing and associated infrastructure. The applicant has detailed that the mature trees will be retained and the hedgerow kept intact where possible. However, due to the significant change in landscape character, the magnitude of the effect is considered to be 'high'.

- 6.5.4 Whilst the development may be visually intrusive with an adverse impact on landscape character, the site has no designations and many features of the site can be found elsewhere in the locality. The development also represents an extension of the existing built form. The significance is therefore considered to be 'moderate' by the submitted LVIA.

It is considered by Officers that whilst there would be some environmental impacts as a consequence of developing the site these are relatively minor and do not affect a site that is of any natural or historic designation. The main change will be to the character and appearance of the site and this is considered later in this report.

- 6.6.1 As this is a full application it includes full details of the layout, house types and landscaping. The original submission proposed 70 dwellings on the site and this has now been reduced slightly down to 68 properties. The majority of the development are 2 storey dwellings but a small number are 2 and a half storey with rooms provided in the roof space. The scheme proposes a mix of dwelling types and sizes comprising of the following, 18 x 3-bed, 34 x 4-bed and 9 x 5-bed (all open market) and the affordable units would consist of 2 x 1-bed, 2 x 2-bed and 3 x 3-bed dwellings. Overall there are 17 different house types, some of these variations are very subtly but overall it is considered by Officers that the mix of dwelling types provides variety across the development and a street scheme that has interest and character.

- 6.6.2 The proposed layout of the site consists of a series of cul-de-sacs. The layout to some extent has been dictated by the desire to retain a hedgerow which runs across the site and also the mature trees positioned centrally. A large portion of the site is occupied by the informal area of public open space which contains the drainage balancing pond.

- 6.6.3 The larger dwellings have been positioned to the north of the main route where the site borders the adjacent fields, this also reflects the scale of the existing dwellings on Heron Drive. The smaller properties are located to the southern and eastern parts of the site which again reflect the scale of existing development on this side of the site. The public open space has dwellings on 3 of the 4 sides, this provides natural surveillance across the space reducing the risk of the space being misused.

- 6.6.4 Part of the site has been laid out so that properties have an outward facing front elevation across the open countryside. This allows for a softer transition between urban and rural landscapes and avoids the common problem of 1.8m tall fences of various styles defining the edge of the settlement which can often appear harsh when viewed from surrounding countryside. The design proposed provides an opportunity for landscaping buffers and more sympathetic boundary treatments. The northern edge of the site will be clearly visible from the public right of way which leads from the eastern corner of the site.

6.6.5 The varied mix of dwelling types includes features that the applicant has identified as being part of the local vernacular such as appropriate window proportions and eaves and window details, porch details, bay windows and the intermittent use of projecting gables which provides greater articulation to front elevations and the overall street scene.

6.6.6 It is officer's opinion that that the density of the development and the design and scale of the proposed dwellings are appropriate and relate to the character and form of neighbouring development and Ellesmere as a whole. It is considered by Officers that the layout of the site reflects its edge or settlement, semi-rural location and would not have a detrimental impact in the character and appearance of the area and would represent a logical extension to the town.

6.7 Visual impact and landscaping

6.7.1 The two main views of the site will be from the public right of way from the corner of the site and from Teal Drive itself. The main estate road which runs in an north east - south west direction sits at approximately the same level as the existing estate road. Further to the north east and beyond the application site the land continues to climb up towards a hedgerow and large mature trees on the skyline. As such when viewed from Teal Drive the proposed dwelling will not sit significantly elevated above the sky line and would have the backdrop of the trees.

6.7.2 In a south east to north west direction the site climbs by around 5 metres, the finished floor levels of the neighbouring dwellings on Heron Close also climb a similar amount. However the proposed dwellings to the rear of the properties on Heron Close would sit higher than those existing properties.

6.7.3 The application is fairly self-contained as a consequence of being adjacent to other built development and because of the topography of the land and the surround tree and hedge planting. This restricts the number of views that are possible into the site from public spaces. Where possible the applicant has retained the hedge and tree planting which contribute to the character of the area and will, in time, contribute to the appearance of the proposed development by softening it and helping it integrate into the landscape.

6.7.4 Whilst the proposed dwellings would be visible from a limited number of public spaces it is considered that the proposed design and layout of the scheme would allow it to sit comfortably with both other built development and the surrounding countryside.

6.8 Impact on Neighbours

6.8.1 The introduction of an extension to a housing estate will inevitably increase the number vehicle movements and introduce activity on to a site that is currently used for agricultural purposes. The application site would more than double the number of vehicle movements along Teal Drive. Neighbours have commented on how quiet the estate is and this allows children to be able to play in the street. The primary function of the estate road is to facilitate the movement of vehicles safely. Whilst it may be less desirable for children to play in the street as they have done previously the proposed development includes a large area of public open space to add to the equipped play area that already exists on the estate. It is considered by Officers that the number of likely vehicle movements and the likely speed of those vehicles

would not generate a level of disturbance that would be detrimental to the living conditions of neighbouring occupiers or the occupiers of dwellings located along Teal Drive.

6.8.2 Existing properties on Heron Drive currently have views across the open fields from their rear facing windows. The development of the site will as a consequence remove this view. Under planning law no individual has a right to a view and as such little weight can be awarded to this loss in considering the application.

6.8.3 Since the original submission the applicant has made amendments to the scheme following concerns raised by neighbours about the distance between the existing dwellings on Heron Close and the rear elevations of proposed properties. The amended plans show that there would be a minimum distance of 21 metres between facing windows. There is a change in levels between the existing and proposed properties but taking this into account it is considered that revised distance of separation is appropriate and would avoid any detrimental loss of privacy to the occupiers on Heron Close.

6.9 Highway Safety

6.9.1 The proposed development site forms an extension of Teal Drive which serves as a main access road into the existing development off the Grange Road junction. Teal Drive currently serves as access to some 51 dwellings with 3 cul-de-sacs accessing onto Teal Drive itself.

6.9.2 At the junction of Teal Drive and Grange Road visibility standards are met in both directions and now exceed the standards set out in Manual for Streets. The junction layout is satisfactory and Teal Drive itself provides 1.8 metre wide footways either side of a carriageway width of 5.5 metres. The Teal Drive development was therefore based upon the Council's Specification for Residential/Industrial Estate Roads at the time which indicated that a maximum of 200 dwellings could be served from the current road infrastructure. The Council's Highways Development Control Section therefore have no objection to the site.

6.9.3 The Highways Officer did raise some comments about the internal arrangement of the development which were not considered sufficient to warrant an objection to the scheme. However the applicant has considered these comments and make some minor changes to the layout in response.

6.10 Ecology

6.10.1 In support of the application the applicant has provided a protected species survey and an arboricultural impact assessment.

The application site is within a relatively short distance of Colemere Ramsar site which is 3.3km away, as such there is the potential for the development in conjunction with other new residential developments in Ellesmere to increase visitor numbers. If this is the case then it is necessary to mitigate against this by providing adequate public open space within the proposed development. The proposed development includes a sizeable area of public open space and is considered to comply with the Council's open space standards and bearing in mind the site is on the north side of Ellesmere, where there is pedestrian access to The Mere and countryside. As such is considered reasonable to assume that the likely increase in

visitors at Colemere from this development is unlikely to be significant.

The site currently includes a number of native hedgerows. To allow the proposed development to function correctly some gaps will need to be created to facilitate roads etc. The Council's Ecologist is of the opinion that the provision of the open space and the creation of the drainage balancing pond and new tree planting will offset the harm caused by the loss of some sections of hedgerows.

- 6.10.4 There are a number of mature Oak trees on the site with the potential to provide a bat roosting habitat although the survey carried out did not pick up on any evidence of any roosts.
- 6.10.5 There are three ponds within 500m of the site. Only pond 1 was surveyed by the applicant's appointed Ecologist. No access was available to pond 2 and pond 3 was some distance away with intervening development between it and the site. No great crested newts were found and there are no historic records of newts in the immediate area. Based on Natural England's rapid risk assessment if the unsurveyed pond (pond 2) is suitable as a breeding pond it is likely that an offence would be caused. It is therefore considered appropriate to require a method statement for the development to reduce the risk of an offence occurring and also reduce the possibility of harm to any reptiles on the site.
- 6.10.6 The applicant has provided an Arboricultural Impact Assessment to demonstrate the impact of the development on existing trees. The Council's Tree Officer has no objection to the principle of developing the site or those trees which are to be removed. The Tree Officer has raised some concerns about the proximity of the retained trees to the proposed dwellings on the north west boundary. These trees may cause shading, seasonal nuisance and be over bearing on future occupiers, possibly leading to pressure for their removal at some point in the future. In response to the concerns of the Tree Officer the applicants have moved the dwellings further away from the trees, the Tree Officer has confirmed that the scheme is acceptable in terms of the impact on trees.

6.11 Affordable Housing

- 6.11.1 In accordance with the adopted Core Strategy all new open market development must make a contribution towards the provision of affordable housing, unless there are other material planning considerations. The current target rate for the Ellesmere area is 10% which for a development of 68 dwellings would require 6 dwellings and a financial contribution to be paid. In this instance the developer has rounded this up to 7 whole dwellings on site rather than make an additional payment.
- 6.11.2 The affordable dwellings will consist of 2x 1-bed, 2 x 2-bed and 3 x 3-bed properties. The Council's Affordable Housing Officer is satisfied that this is an appropriate mix to meet some of the housing need in the town. A S106 will secure the affordable housing.
- 6.12 Drainage and Flooding
- 6.12.1 A significant number of representations received from residents and the Town Council make reference to recent flooding that occurred in Diksmuide Drive which adjoins the south eastern boundary of the site. The flooding was to the cul-de-sac damaging a number of vehicles. Neither the application site nor the areas

previously flooded fall within flood zones 2 and 3. These are the zones at risk of fluvial (river) flooding. Instead the land is within flood zone 1 where there is deemed to be a low probability of fluvial flooding. The previous flooding was caused by surface water run-off from the application site collecting in the cul-de-sac. As such the application site is considered to be at risk from Pluvial flooding.

- 6.12.2 In accordance with the requirements of the NPPF the applicant has submitted a flood risk assessment (FRA). Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. The recent flooding of a nearby cul-de-sac is acknowledged however this is not a reason on its own to resist development of other nearby sites. The submitted FRA acknowledges the previous flooding problems and comments on the causes and how this will impact upon the proposed development.
- 6.12.3 To protect the site from pluvial flooding mitigation is proposed, this includes ensuring that floor levels are above the 1 in 100 year plus climate change, the removal of a culvetted section of ditch and the provision of a surface water attenuation pond. The attenuation pond will allow peak flow rates to be reduced and enable flows to be limited to greenfield run-off rate during a storm event. The attenuation pond will also form a feature of the proposed area of public open space and by landscaping and appropriate planting will provide ecological benefits. The use of such a features will allow sedimentation to take place which will also contributes to a water quality improvement.
- 6.12.4 The implementation of a surface water drainage system for the site which is suitable for conveying flows up to and including the 1 in 100 year + 30% for climate change event will also protect third party land owners as surface water will be intercepted and not be allowed to run-off at an uncontrolled rate which what currently occurs and has caused the recent flooding.
- 6.12.5 The submitted FRA has been considered by the Council's Drainage Engineer who is satisfied that it is acceptable in principle and raises no object subject to appropriate planning conditions.
- 6.12.6 The applicant proposes that foul water would be discharged to the existing sewer which runs to the west of the site on Kingfisher Walk and Diksmuide Drive. The applicant has provided evidence from Seven Trent Water that there is existing capacity in the system to accommodate the flows from the 68 dwellings proposed. Due to the levels of the site it will be necessary for there to be a pumping station to be provided in the southern corner of the site. In accordance with Building Regulations and Sewers for Adoption the pumping station will be located at a minimum 15m from any habitable rooms. The applicant anticipates that the foul and surface water systems will be adopted by Severn Trent Water.
- 6.13 **Impact on Public Right of Way**
- 6.13.1 There is currently a public right of way which leads from the east and across the southern area of the site (footpath 3) which will need to be diverted to allow a better layout of the site. The diversion will only be minor change before it then continues its original route beyond the north western boundary of the site and out across open fields. The Council's Rights of way Officer has not raised any objections to the

scheme but advises that the applicants will need to make a formal application for the paths diversion. The applicant has confirmed that a request for the paths diversion has been submitted to the Council's Rights of Way team and is currently out for informal consultation.

7.0 CONCLUSION

- 7.1 The site is located outside of the current Ellesmere development boundary and is therefore classed as a departure from the development plan, significant weight must be awarded to paragraphs 7 and 8 of the NPPF where is a presumption in favour of sustainable development.
- 7.2 The proposed scheme will create a significant expansion to the existing housing estate on the northern side of Ellesmere. The location of the development is not considered to be out of keeping with the form and layout of the adjacent existing housing development. The development of the site would follow the form of the immediately adjacent housing development whilst maintaining the character and appearance of the settlement and not impacting upon the character and appearance of Ellesmere. The proposed scheme would link in with the existing housing estate road provide a natural link and a logical extension to the estate and to Ellesmere.
- 7.3 It is considered that the application site is appropriately located where visually it would have limited visual impact because of the topography of the land and the existing mature tree and hedge planting. There would be the loss of an open field but it has been demonstrated that the mature trees and hedges could be retained within the development.
- 7.4 The proposal will be of significant benefit in terms of boosting the local housing supply including the provision of affordable housing in what is a sustainable location where there is good access to services in a sizeable market town. Accordingly, it is considered on balance that the benefits of the scheme is not demonstrably outweighed by the harm caused and that the proposal complies with policies CS6 and CS11 of the Core Strategy and the requirements of 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, 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 three months 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 1970.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS3- Market Towns and other Key Centres

CS5- Countryside and Greenbelt
CS8- Facilities, Services and Infrastructure Provision
CS9- Infrastructure Contributions
CS11- Type and Affordability of Housing
CS17- Environmental Networks
CS18- Sustainable Water Management

11. Additional Information

[View details online:](#)

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

Cllr M. Price

Local Member

Cllr Ann Hartley

Appendices

APPENDIX 1 - Conditions

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

1. The development hereby permitted shall be begun before the expiration of 12 months 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 deposited plans and drawings as amended by the revised plans received on the 10th October 2014 and 25th November 2014, 1st December 2014. .

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 including relevant plans, calculations and maintenance strategy has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

4. Before the commencement of development a scheme of landscaping and these works shall be submitted to the Council and approved. The submitted scheme shall include:
 - a) Means of enclosure, including all security and other fencing
 - b) Hard surfacing materials
 - c) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
 - d) Planting plans, including wildlife habitat and features (e.g. hibernacula)
 - 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 development commencing a method statement that sets out the Risk Avoidance Measures to ensure the protection of Great Crested Newts shall be submitted to and approved

in writing by the Local Planning Authority. The works shall thereafter be carried out strictly in accordance with the approved details.

Reason: To ensure the protection of great crested newts, a European Protected Species

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- * the parking of vehicles of site operatives and visitors
- * loading and unloading of plant and materials
- * storage of plant and materials used in constructing the development
- * the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- * wheel washing facilities
- * measures to control the emission of dust and dirt during construction
- * a scheme for recycling/disposing of waste resulting from demolition and construction works

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

7. No development shall take place until details of the design and construction of any new roads, internal visibility splays, footways, accesses have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site

8. 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'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

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 Tree Protection Plan and Arboricultural Method Statement has been submitted and approved in writing by the Local Planning Authority. 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.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

d) 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.

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

9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and ponds other than small, privately owned, domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To ensure the long term management of the public open spaces

10. The external materials of the proposed development shall be carried out in accordance the materials schedule, drawing no. P04 received 1st December 2014.

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

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

11. No windows or other openings other than those shown on the approved plans shall be formed in the southwest elevations of plots 32, 13, 12 and 1 without the prior consent of the Local Planning Authority.

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

12. Prior to the erection of any external lighting over 150W on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

13. The gradient of the access(s) from the highway carriageway shall not exceed 1 in 24 for a distance of 1.8 metres and thereafter the gradient of the drive shall not exceed 1 in 10.

Reason: To provide a safe access to the development in the interests of highway safety.

14. Construction works shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to maintain the amenities of the area.

-



Committee and Date

North Planning Committee

16 December 2014

Item

8

Public

Development Management Report

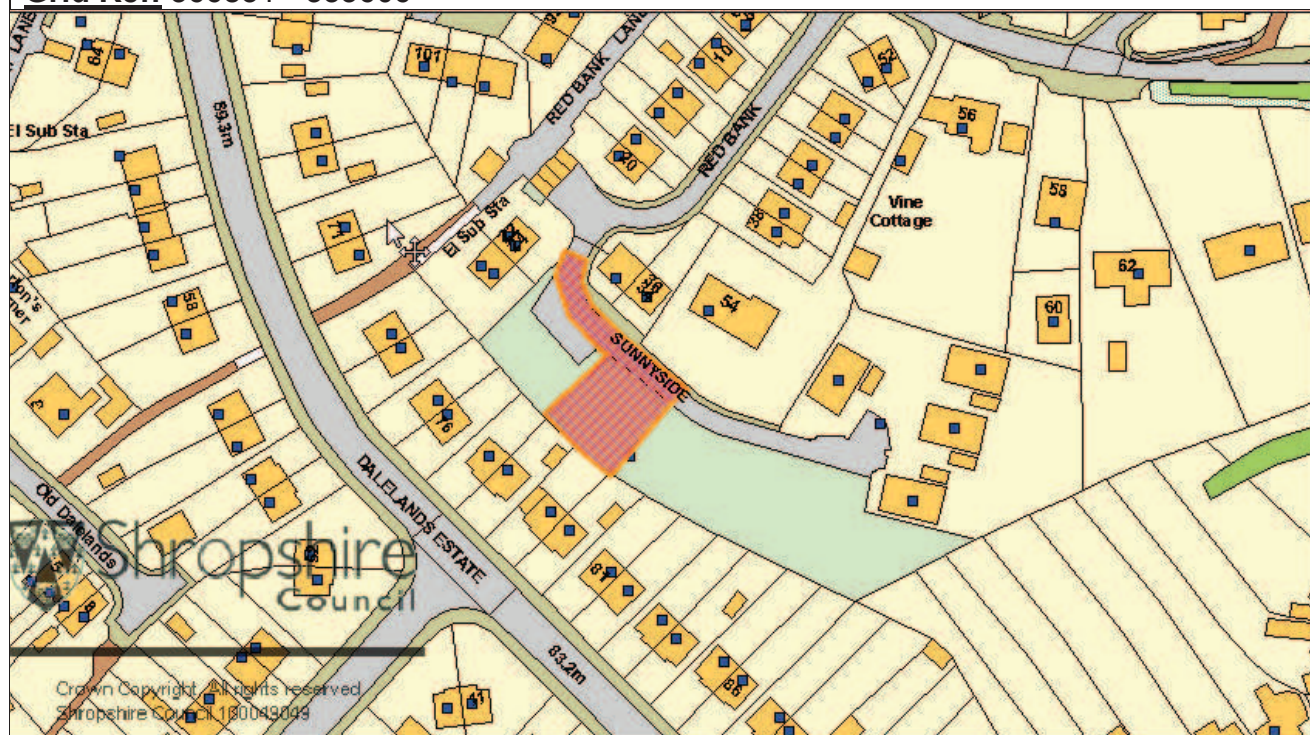
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/03759/FUL	Parish:	Market Drayton Town
Proposal: Erection of a pair of semi-detached dwellings		
Site Address: Land South Of 54 Red Bank Road Market Drayton Shropshire		
Applicant: Mr J Jones		
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk	

Grid Ref: 366831 - 333606



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

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

1.1 This application seeks planning permission for the construction of a pair of semi-detached, split level dwellings on land to the south of Red Bank, Market Drayton. The development will be single storey to its frontage with Red Bank and then due to the slope of the site, the lower floor will cut into the bank and provide two storey accommodation at the rear. Parking space will be provided to the side of the dwellings with external steps being provided to allow access to the rear garden.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is currently vacant grassland within a residential area of Market Drayton. The public highway is at the top of the bank and provides access to five other dwellings. There is no definitive character of design of dwellings in this area as there is a mix of styles and sizes.

2.2 The land slopes down steeply from the top of Red Bank towards the dwellings on Dalelands with low timber fences marking the boundaries between the site and the rear gardens. There are a few trees and bushes along the rear boundary and at the top of the bank.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications where the Parish Council submit a view contrary to officers (approval or refusal) based on material planning reasons the following tests need to be met:
(i) these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and
(ii) the Area Manager or Principal Planning Officer in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee

In this case the Town Council has objected to the proposal on the grounds that the development will cause of loss of privacy and light to neighbouring properties and there will be an issue with surface water run-off.

Officers have sought amended plans which when assessed together with the orientation of the development would ensure that it would not have an unacceptable impact on the residential amenities of the neighbouring properties. In addition no objection to the proposal has been received from the Council's Drainage Engineer who has requested that further information be provided as the subject of a condition, to ensure that an appropriate scheme of drainage be installed. As such the Officer recommendation would be for approval of the proposed scheme.

4.0 COMMUNITY REPRESENTATIONS (full versions of the responses can be viewed online)**4.1 Consultee Comments**

- 4.1.1 **Drainage:** No objection subject to the inclusion of the recommended conditions and informatives should planning permission be granted.
- 4.1.2 **Affordable Housing Officer:** No Objection provided the appropriate level of affordable housing contribution is made.
- 4.1.3 **Market Drayton Town Council:** Object to the planning application on the grounds that the dwellings would impinge on the light and privacy of the houses below, with possible problems of the run off of surface water.

4.2 **Public Comments**

- 4.2.1 Four letters of representation have been received from three different addresses in connection with the development. The areas of concern are as follows:

- Loss of privacy to existing dwellings
- Drainage will be an issue
- The land is used by wildlife
- Loss of value of properties
- Loss of light
- Noise from vehicles and people
- The development will cause damage to neighbouring property.
- The land is not suitable for development
- Additional traffic will be an issue
- The proposal will be overbearing to the dwellings behind.
- There is a protected tree on the site.

5.0 **THE MAIN ISSUES**

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

6.0 **OFFICER APPRAISAL**

6.1 **Policy & 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. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that 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 NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 Following the submission of the SAMDev Final Plan to the Planning Inspectorate

at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

- 6.1.3 In both the current North Shropshire Local Plan and the SAMDev Final Plan, this area is identified as being in the development boundary for Market Drayton. As such any new housing development in the area would need to comply with policy H5 of the North Shropshire Local Plan and CS4 of the Shropshire Core Strategy.
- 6.1.4 Policy H5 of the North Shropshire Local Plan identifies Market Drayton as a Market Town which has a wide range of facilities and services and are centres serving their surrounding rural areas. As such housing development that is appropriate in its location and scale would be considered acceptable.
- 6.1.5 Policy CS4 of the Shropshire Core Strategy focuses development within the Community Hubs and Clusters. There is a requirement that development should provide a mix of housing to cater for the needs of the community whilst respecting the character of the area.
- 6.1.6 As the proposal is for open market dwellings, the applicant will be required to enter in to a S106 legal agreement to ensure that the appropriate affordable housing contribution is made.
- 6.1.7 Therefore on the basis of the above the construction of a new open market dwelling would normally be considered acceptable in this location.
- 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. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 6.2.2 The proposal is for a pair of semi-detached dwellings and as the site is on a steep slope a split-level style of building has been designed. The upper floor will be

level with the highway at Red Bank and the lower one cut into the bank so that the building will appear as a two storey from the rear elevation. Each dwelling will have an internal floor area of approximately 80 sq metres and comprise a kitchen, living room and utility on the upper floor with two bedrooms and bathroom on the lower.

6.2.3 Externally the building would be clad with brick and tile and has been designed with a hipped roof to minimise its visual impact and has a asymmetrical roof pitch. On the rear elevation the number of windows has been limited to two fixed light obscure glazed windows on the lower floor to the bathrooms and four rooflights to the upper floor. Due to the height of the roof at the rear, the bottom of the rooflights would be 2 metres above floor level.

6.2.4 In order to minimise the number of windows in the rear elevation, most of the windows have been inserted into the side and front elevations. An enclosed patio area served by steps from the parking areas will provide some private amenity space.

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.

6.3.2 Concerns have been expressed by the Town Council and local residents that the proposed development will have an unacceptable impact on the amenities of nearby residential properties. The development would result in a loss of privacy, a loss of light and have an overbearing impact on the amenities of the adjacent residents.

6.3.3 The amended proposal is for a split level dwelling with a maximum height to ridge of 6.3 metres above finished floor level. This will involve cutting back into the bank to provide the lower floor accommodation. The width of the building will be approximately 11.7 metres with retaining walls being constructed to the sides with steps down from the drive to the patio area. The rear wall of the proposed dwellings would be approximately 19.28 metres from the rear wall of the dwellings onto Dalelands and the finished floor level of the dwellings would be approximately 4 metres above the ground level of the dwellings on Dalelands .

6.3.4 At present it is possible to view the whole of the rear gardens and elevations of the existing dwellings along Dalelands from Red Bank. To minimise any impact of the development on the privacy of these properties the building has been designed with limited windows on the rear elevation. Those that are proposed are either obscure glazed and fixed shut or are rooflights at too high a level to be seen out of. A condition is proposed which would prevent the installation of further windows on this elevation and also require the bathroom windows to remain obscure glazed and fixed closed.

6.3.5 A parking space has been provided to each unit with external steps leading down to patio areas located to the side. These areas will be screened by timber fencing to minimise any views towards the properties at the rear. Whilst the remainder of the garden would be higher than those of the properties at Dalelands a 2 metre

high fence together with additional planting along the rear boundary would minimise any potential loss of privacy. A condition is recommended for inclusion on any planning permission granted requiring this to be carried out and thereafter maintained.

- 6.3.6 With regards to the issue of loss of light, the proposed dwellings are located north east of the dwellings on Dalelands. As such they would not obscure any direct sunlight. Furthermore to minimise any loss of residual light, the height of the dwellings has been minimised and hipped roofs installed.
- 6.3.7 Generally there is a guide that in order to prevent a loss of privacy there should be a minimum of 21 metres unobstructed view between habitable room windows. In this case, no windows in the proposed dwellings will provide direct views into habitable room windows and the distance between the dwellings is in excess of 19 metres. Whilst there may be some loss of privacy in parking the vehicles to the side of the dwellings or using the steps down to the screened patio areas, this would not be to an unacceptable level.
- 6.3.8 It is appreciated that with the initial scheme that the height a mass of the building would have had an overbearing impact on the residential amenities of the neighbouring properties. However, the scheme has been reduced in height by approximately 0.5 metres and the roof redesigned to be hipped and asymmetrical. These factors when combined have significantly reduced the overall mass. Therefore whilst it will still be higher than the properties on Dalelands, its impact would be significantly less and to an acceptable level.
- 6.3.9 In view of the above it is Officer opinion that the potential loss of light and privacy would be minimal and to an acceptable level. In addition whilst the building would be higher than the neighbouring properties and close to their rear boundaries it is considered that the proposal would not have an overbearing impact. Therefore the proposal would be in accordance with policy CS6 of the Shropshire Core Strategy.
- 6.4 **Drainage**
- 6.4.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.
- 6.4.2 The drainage of surface water run-off from the development has also been raised as an issue by the Town Council and local residents.
- 6.4.3 The Council's Drainage Engineer has assessed the proposal and has raised no objection. However it is recommended that a condition be included on any planning permission requiring the full details of the proposed drainage system be submitted for approval. This would be to ensure that any proposed drainage system is appropriately designed to deal with the development. As such a scheme can be installed that would not exacerbate existing flooding risks.
- 6.4.4 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

6.5 **Trees**

6.5.1 Local Residents have commented that there is a protected tree on the site and that this will affect the development. A check of the records has been carried out and the Tree Officer has confirmed that there are no Tree Preservation Orders on the site.

7.0 **CONCLUSION**

7.1 The proposed development is acceptable in this location and is of an appropriate design and scale. It will not have a detrimental impact on the character and appearance of the area. The submission of the drainage details would ensure that there would be no flood risk as a result of the development and the design and orientation of the development would cause minimal impact on residential amenities of the area. Therefore provided the applicant enters into a S106 Legal Agreement to ensure payment of the affordable housing contribution, the proposal is in accordance with the NPPF, policy H5 of the North Shropshire Local Plan, policies CS4, CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy and the SPD on the Type and Affordability of Housing.

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

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. **Background**

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
H5 - Infilling, Groups of Houses and Conversions in Market Towns and Main Service Villages
SPD Type and Affordability of Housing

11. **Additional Information**

View details online:

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Roger Hughes
Cllr David Minnery

Appendices

APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

4. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

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

5. Prior to the first occupation of the dwellings hereby approved a 2 metre high timber fence shall be constructed along the rear boundary of the dwellings.

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

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

6. The lower floor windows in the rear elevation shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation unless otherwise agreed by the Local Planning Authority.

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



<u>Committee and Date</u>
North Planning Committee
16 December 2014

<u>Item</u>
10
Public

Development Management Report

Responsible Officer: Tim Rogers

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

SCHEDULE OF APPEALS AS AT COMMITTEE 16th December 2014

Appeals Lodged

LPA reference	14/03339/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Jones
Proposal	Outline application for the erection of one dwelling to include means of access
Location	Proposed Dwelling South Of Lowe Hall Farm The Lowe Wem Shropshire
Date of appeal	01.12.14
Appeal method	Written
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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