



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

Date: Monday, 18 June 2018

Committee:
North Planning Committee

Date: Tuesday, 26 June 2018

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

Roy Aldcroft
Joyce Barrow
Gerald Dakin
Pauline Dee
Rob Gittins
Roger Hughes
Vince Hunt (Vice Chairman)
Mark Jones
Paul Milner
Peggy Mullock
Paul Wynn (Chairman)

Substitute Members of the Committee

Nicholas Bardsley
Karen Calder
Steve Davenport
Ann Hartley
Simon Jones
Matt Lee
David Minnery
John Price
Brian Williams

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the North Planning Committee held on 29th May 2018, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2.00 p.m. on Monday, 25th June 2018.

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 Land South Of Hollins Lane, Newport Road, Woodseaves, Market Drayton (17/05286/FUL) (Pages 7 - 26)

Application under Section 73A of the Town and Country Planning Act 1990 for the alterations to approved agricultural building and installation of six additional biomass boilers and a drying floor

6 6 The Townsend, Ightfield, SY13 4NS (18/00477/FUL) (Pages 27 - 36)

Erection of detached garage workshop and store

7 Old Railway Station, Brownlow Road, Ellesmere, Shropshire, SY12 0AP (18/01027/OUT) (Pages 37 - 54)

Hybrid application for residential development of 65 dwellings; comprising Outline application for the erection of up to 58 dwellings with all matters reserved and Full planning application for the conversion of "Old Railway Station" building into 7 apartments with car parking, access road, public open space and associated works

8 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, 24 July 2018 in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

North Planning Committee

26 June 2018

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 29 May 2018

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

2.00 - 3.45 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Paul Wynn (Chairman)

Councillors Karen Calder (Substitute for Joyce Barrow), Gerald Dakin, Pauline Dee, Rob Gittins, Roger Hughes, Vince Hunt (Vice Chairman), Mark Jones and Peggy Mullock

1 Election of Chairman

RESOLVED:

That Councillor Paul Wynn be elected Chairman for the ensuing year.

2 Apologies for Absence

Apologies for absence were received from Councillor Roy Aldcroft, Joyce Barrow (substitute: Karen Calder) and Paul Milner.

3 Appointment of Vice-Chairman

RESOLVED:

That Councillor Vince Hunt be appointed Vice-Chairman for the ensuing year.

4 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 3rd April 2018 be approved as a correct record and signed by the Chairman.

5 Public Question Time

There were no public questions or statements received.

6 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.

In relation to planning application 18/00693/VAR Solar Farm, South West of Hadley Farm, Wrexham Road, Whitchurch, Councillor Wynn declared that as the landowner he would withdraw from the meeting during consideration of the application.

7 Vantage Farm, Bletchley Road, Bletchley, Market Drayton, Shropshire, TF9 3RZ (17/02123/FUL)

Councillor Paul Wynn as the local ward councillor for this application, vacated the Chair and Councillor Vince Hunt presided as Chairman for this item.

The Technical Specialist Planning Officer introduced the application under Section 73a of the Town and Country Planning Act for the erection of a new agricultural building including the installation of a solid biomass combined heat and power (CHP) system and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Mr Alan Webb, on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Jane Evans, on behalf of Moreton Say Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Paul Wynn, as local ward councillor, made a statement and moved to the back of the room, took no part in the debate and did not vote on this item. During their statement, the following points were raised:

- He was concerned about the retrospective nature of the application;
- He had concerns relating to the potential impact on the living conditions of dwellings close to the development, through noise, odour and air emissions and the impact on Royal Oak Farmhouse, a Grade II Listed Building; and
- He appreciated that there were benefits associated with the scheme and the acknowledged that the site was tidy and well managed.

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

Having viewed the site that morning, Members commented on how neat and well managed the site was and felt that the proposals would have a positive impact on the amenity of local residents, particularly a betterment in terms of odour impact and through the controls that would be imposed on the operation.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the proposals.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1 of the report.

8 Solar Farm, South West Of Hadley Farm, Wrexham Road, Whitchurch, Shropshire (18/00693/VAR)

In accordance with his declaration at Minute 6, Councillor Wynn withdrew from the room during consideration of this application. The Vice-Chairman, Councillor Hunt presided as Chairman for this item.

The Technical Specialist Planning Officer introduced application for the variation of condition no 2 (approved drawings) and 9 (external colour of the buildings) attached to planning permission ref 14/02914/FUL to regularise the change in the colour of two inverters. Members' attention was drawn to the information contained within the Schedule of Additional letters recommending the removal of condition 1, requiring the development to begin within three years, as the application was retrospective and the change to the colour of the inverters had already been made.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Peggy Mullock, as local ward councillor, moved to the back of the room, took no part in the debate and did not vote on this item.

Having considered the submitted plans Members unanimously expressed their support for the proposals, in accordance with the officer's recommendation.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1 of the report, with the deletion of condition 1 as detailed in the Schedule of Additional Letters.

9 Land Off Roden Grove, Roden Grove, Wem, Shropshire (18/00846/REM)

The Technical Specialist Planning Officer introduced the reserved matters application (appearance, landscaping, layout and scale) pursuant to 14/02851/OUT for the erection of 25 dwellings and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters, which detailed revised comments from objectors, additional submissions from the agent addressing the recommendation contained within the Officer's report, confirmation from Shropshire Council's Affordable Housing Team that the amended affordable housing proforma satisfied their previous comments, further comments of objection received from residents of Brook Drive and a proposed amendment to condition 6 relating to trees and landscaping.

Jayne Pilkington, on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor George Nash, on behalf of Wem Town Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees. The Chairman permitted the circulation of a letter from Nucleus Legal Advice Centre, on behalf of The Roden Grove Action Group which detailed the particulars of private boundary and property rights established at Roden Grove and defects in the planning application.

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

- The site had a long planning history and planning permission had been refused by the former North Shropshire District Council due to drainage problems;
- She was concerned about runoff into the river Roden and the potential for gardens to flood;
- She questioned whether the sewage systems in Wem could cope with the additional houses;
- She questioned the lifespan of the French drains and responsibility for maintaining drainage; and
- Concerns relating to the additional traffic that the development would create, potentially up to an additional 50 vehicles, and construction traffic during the build, using the narrow roads on the Roden Estate and the additional traffic on Mill Street, where there were existing problems.

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

- It was important for the Committee to be aware of the context of the application;
- He was disappointed that despite a high number of local objections and call in requests from both local members, the outline application had been determined under delegated powers;
- There were issues with surface water flooding;
- He questioned who would be responsible for the drainage/flooding; and
- He had concerns relating to property insurance as he knew that existing property owners had difficulty getting insurance and had high annual premiums due to flooding issues.

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

In response to comments made by the speakers, the Principal Planning Officer informed members that fifty per cent of the site was allocated for housing in the

Council’s Site Allocations and Management of Development Document (SAMDev) and outline planning consent for the erection of 25 dwellings (including means of access) had been granted. With reference to comments made relating to drainage and the potential for flooding, Members attention was drawn to paragraph 4.1.10 of the Officer’s report and the comments from the Environment Agency which confirmed that the site falls within Flood Zone 1, the lowest risk zone.

With reference to the correspondence circulated from Nucleus Legal Advice Centre, the Council’s Solicitor advised the Committee that the points raised in relation to private boundary and property rights related to civil matters and were not relevant planning considerations.

Having considered the submitted plans and listened to the comments made by all of the speakers, the Committee whilst sympathising with local residents acknowledged that the right to build on the site had already been established and the advice from drainage experts was that the proposals were adequate, therefore the majority of Members expressed their support for the Officer’s recommendation.

RESOLVED:

That reserved matters approval be granted, subject to:

The conditions set out in Appendix 1 with an amendment to condition 6 as detailed in the Schedule of Additional Letters.

10 Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals for the northern area be noted.

11 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 26th June 2018 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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<u>Committee and Date</u>
North Planning Committee
26 June 2018

<u>Item</u>
5
Public

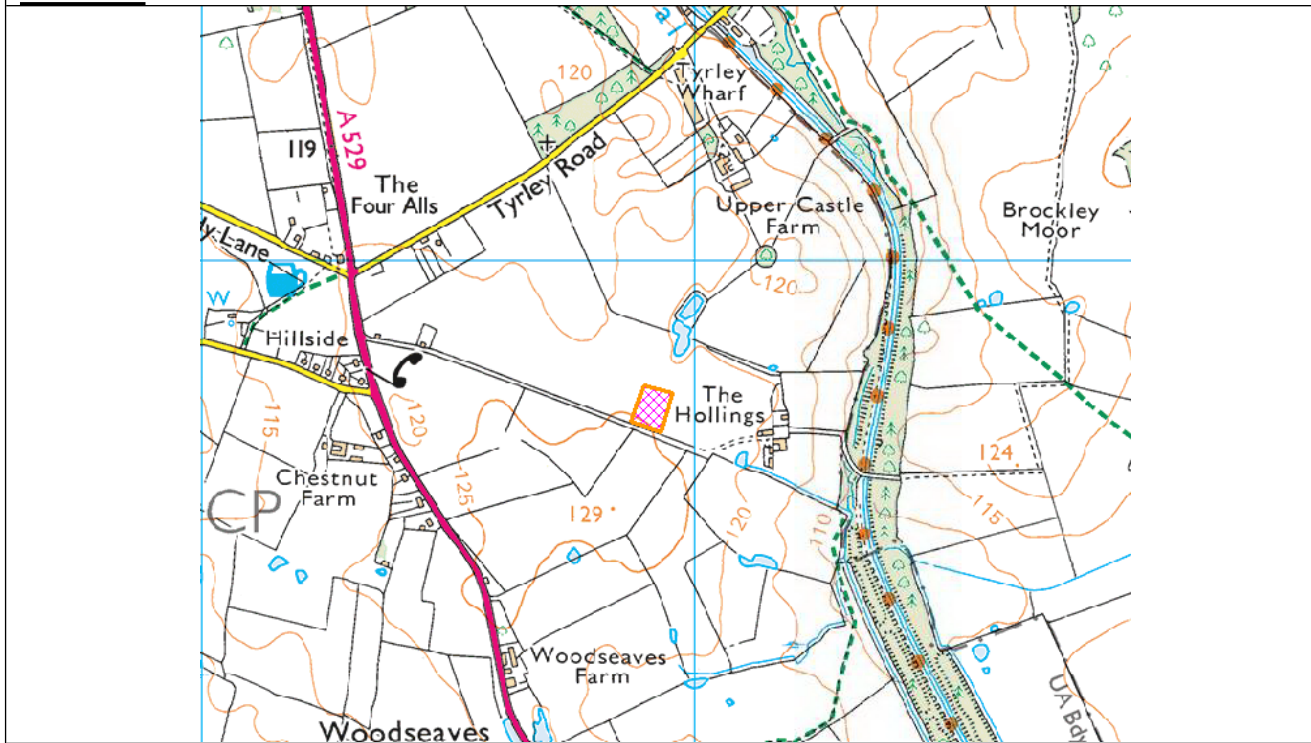
Development Management Report

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

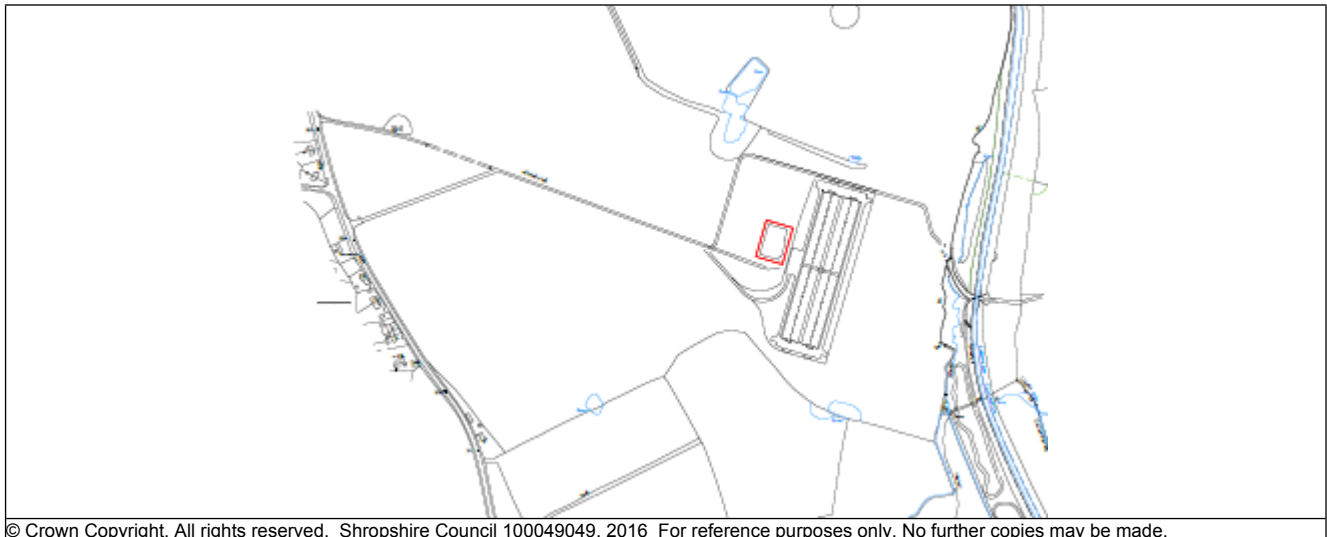
Summary of Application

Application Number: 17/05286/FUL	Parish:	Sutton Upon Tern
Proposal: Application under Section 73A of the Town and Country Planning Act 1990 for the alterations to approved agricultural building and installation of six additional biomass boilers and a drying floor		
Site Address: Land South Of Hollins Lane Newport Road Woodseaves Market Drayton		
Applicant: HLW Farms		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 368674 - 331691



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Recommendation: Subject to no adverse comments being received from the Council's ecology team which cannot be addressed through planning conditions, delegate authority to the Head of Planning Services to grant planning permission subject to the conditions set out in Appendix 1 and any ecological conditions as considered necessary.

REPORT

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for alterations to an existing building and the installation of six additional biomass boilers and a drying floor at Hollins Lane, Market Drayton. Planning permission for a building on this site was granted in 2015 as part of a proposed anaerobic digester (AD) facility. That permission allowed for the installation of two biomass boilers within the building which were to be used to heat adjacent poultry sheds. It is no longer proposed to install the AD plant, however the building has now been constructed. Instead, it is proposed that the building would house eight biomass boilers in total, i.e. six additional ones. Two of these would operate alongside the permitted two to heat the sheds. The four further boilers would be used to heat a drying floor which dries crops produced at the farm.
- 1.2 The dimension of the permitted AD building are approximately: 49 metres x 24 metres x 9 metres to eaves and 12.5 metres to ridge. The building as constructed sits on the same footprint but is wider and shorter than approved, measuring approximately 49 metres x 33 metres x 7.6 metres to eaves and 11 metres to ridge.
- 1.3 The use of the boilers commenced in January 2017 and as such the application is retrospective.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located approximately 2.5km to the south-east of Market Drayton, and approximately 500 metres to the east of the settlement of Woodseaves. The site lies adjacent to a large broiler unit. Surrounding land is in agricultural use for the growing of miscanthus grass. Access to the site is gained via a recently-constructed new access road from the A529 to the west. The nearest properties are those at Tyrley Farm, approximately 400 metres to the north. Other residential properties in the area include

those along the A529 to the west, the nearest being 445 metres to the southwest; a property along Hollins Lane (owned by the applicant) approximately 515 metres to the west; and properties along Tyrley Road approximately 550 metres to the north-west.

- 2.2 A number of ponds are located in the surrounding area, the nearest being approximately 30 metres to the north-west. The Shropshire Union Canal runs in a generally north-south orientation approximately 285 metres to the east. This section of the canal (over the Shropshire border) is designated as a Conservation Area. Public rights of way in the area include a footpath to the south-east, approximately 290 metres to the south-east, and a footpath along the towpath of the canal to the east. The nearest Listed Building is a Grade II Listed canal bridge, approximately 285 metres to the east. Further afield, there is a Grade II Listed direction post adjacent to the canal, approximately 480 metres to the north-east. The Tyrley Cutting SSSI, designated for geological interest, is located approximately 680 metres to the south-east. Tyrley Spoil Banks, a Local Wildlife Site designated by the Staffordshire Wildlife Trust, is located approximately 240 metres to the east. The application site lies close to the Shropshire – Staffordshire border, approximately 230 metres to the east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Member has requested that the application is referred to Planning Committee for consideration. The Parish Council's views are contrary to the officer recommendation. The Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman considers that it is appropriate for the application to be determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Sutton upon Tern Parish Council** Objects, on grounds of amenity impact, air quality, size of the drying area and hours of operation.

If Shropshire Council are minded to grant permission the Parish Council strongly recommends that a site visit is held, that the application is taken to committee and that a temporary permission is considered that measures the amenity impact, enforces any air quality infringements, restricts the size of the drying area that disallows the import of materials not grown locally and restricts the hours of operation particularly for the delivery of materials to reasonable hours of the week and not weekends.

- 4.1.2 **Loggerheads Parish Council (adjacent parish council, in Staffordshire)** Objects.

This application needs to be considered in conjunction with the applicant's other retrospective planning application for the retention of 17 biomass boilers at Old Springs Farm (17/00545/FUL) which has been under consideration by Newcastle Planning officers since August 2017. That application has been objected to by a large number of residents and by the local MP Sir William Cash.

One of the main grounds of objection is the excessive over-capacity of the unauthorised boilers installed at that location in relation to the claimed uses to which the boilers would be put.

The installation of a further 8 boilers at Hollins Lane brings the total to 25 boilers, far exceeding the capacity needed for the stated uses. All of the boilers are registered under the Ofgem Renewable Heat Incentive scheme and are believed to be eligible for payments from the public purse totalling £27,000 per week and guaranteed for twenty years. We have reason to believe that this is the main reason for the over-capacity.

The Department for Business, Energy and Industrial Strategy has recently conducted a consultation over the RHI scheme and is likely to recommend that crop drying will no longer be eligible for incentive payments. This is unlikely to affect existing registered installations. The government is also working to close the loophole which allows applicants without planning approval to register for the scheme.

The Hollins Lane application is presented in such a way as to give the impression that this is a purely local agricultural use, all of the material to be dried or used as fuel coming from the applicant's holding. It is stated that the virgin wood to be chipped and dried comes from the applicant's own holding. There is no significant mature wood present on the applicant's holding capable of being harvested in this way and we have reliable information that thousands of tons of timber is being imported to Old Springs from commercial suppliers and chipped there to be sold on as biomass fuel.

There is widespread evidence, including by the applicant's own publicity, that miscanthus, the applicant's main crop, is "easily" harvested at the optimum moisture content and does not therefore require any drying before use as biomass fuel or for animal bedding. The applicant has taken account of the objections raised to the Old Springs application and is now claiming that the miscanthus does require drying because of recent mild and wet winters.

Although the miscanthus is grown on the holding and on land rented by the applicant it has to be transported to this site by unsuitable roads. It is therefore misleading to claim that the development "will not lead to an increase in traffic movements".

This applicant has a long history of ignoring planning regulations and consequently we believe that applications should be considered with greater scrutiny than would normally be the case.

If the Council are minded to approve the application we would strongly recommend that as a condition of approval the applicant be required to keep detailed records of the volumes of crops and timber imported to the site, the source location and route taken and type of conveyance, the moisture content before and after drying and that these records be regularly examined by the planning department.

4.1.3 **Environment Agency**

Environmental Permitting Regulations (2010): Under the Environmental Permitting Regulations, we regulate Part A (1) activities and installations as defined by Schedule 1. The relevant part of Schedule 1 is:

Section 1.1 Combustion Activities: burning any fuel in an appliance with a rated thermal input of 50MW or more and burning any fuel manufactured from, or comprising, waste in an appliance with a rated thermal input of 3MW or more but less than 50 MW. An Environmental Permit is required for such activities.

The Hollins Lane site now operates two sets of 4 biomass boilers, each set with an aggregated thermal rated input not exceeding 4.43MWth. The Farm currently operates under an EP for its associated poultry operations and the operator has applied for, and been granted, a variation to the existing Permit.

The EP controls relevant point source and fugitive emissions to water, air and land; including odour, noise, dust, from the intensive poultry, and associated biomass, activities within the permit 'installation boundary'. It controls day to day general management, including operations, maintenance and pollution incidents. It will include the following key areas:

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

Our consideration of the relevant environmental issues and emissions as part of the EP only apply to the permitted boundary.

With reference to the Permit the number of biomass boilers has increased from 4 to 8 (with an aggregated thermal rated input of 8.86m). The additional 4 units are for drying approved biomass fuel and not for site heating requirements.

As stated above, the Permit Variation has now been granted (Ref: EPR/NP3930JP/V002, dated 3 May 2018). Please see the attached permit decision for your information. Please note that the Permit now regulates the existing and additional boilers as an additional source of emission related to the currently regulated activities. However, the Permit does not regulate the drying floor. Fuel dried on the floor will predominantly be removed from site and not serve the permitting poultry sheds. As such this element of the development is not considered directly linked to the Permitted activity and will not be regulated by the Environment Agency.

Note - For the avoidance of doubt, we do not 'directly' control any issues arising from activities outside of the permit installation boundary including the abovementioned drying floor. Your Public Protection team may advise you further on these matters. However a management plan may address some of the associated activities both outside and inside of the installation boundary.

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

The NMP should help to manage and reduce emissions from the site, but it will not necessarily completely prevent all noise. A Management Plan should set out the best available techniques that the operator intends to use to help prevent and minimise odour and noise nuisance, illustrating where this is and is not possible.

Bio-aerosols and dust: Intensive farming, and the associated biomass activities, has the

potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. It can be a source of nuisance and may affect human health.

Sources of dust particles may include delivery, storage, wastes, ventilation fans and vehicle movements.

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

A dust management plan (DMP) will be required similar to the noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in 'assessing dust control measures on intensive poultry installations' (available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/gho0411btra-e-e.pdf) explain the methods the operator should use to help minimise and manage these emissions.

Water Management: Buildings which have roof or side ventilation extraction fans present, may deposit aerial dust on roofs or "clean" yards which is washed off during rainfall, forming lightly contaminated water. The EP will normally require the treatment of such water, via french drains, swales or wetlands, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via: <http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

- 4.1.4 **Canal and River Trust** The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

Although the application site falls outside of the Trust's notified area we have reviewed the application and based upon the information available we have the following general advice to offer:

The submitted Application Form is for full planning permission though the description of development indicates that this is a S73 submission. However, there is no detail as to the original application reference or condition(s) which are sought to be varied.

The Trust previously commented on application ref: 15/00924/EIA and raised concerns with regards to drainage and noise/odour consideration.

The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from surface water drainage and full details should be submitted and agreed. It should be ensured that the current submission considers these factors and that any approval is subject to the same conditions as the previously approved scheme.

The noise/ air quality impacts from the proposed development should be considered in combination with the existing poultry units. The submission states that the anaerobic digestion (AD) plant is not to be progressed. However, it is also stated that the proposed building will be built on the same footprint as that previously approved. Therefore, there would still appear to be opportunity to install the AD plant at a later date in accordance with the planning permission that has been implemented.

The Local Planning Authority should satisfy themselves on this matter and ensure that the combined impacts of all development permitted on the site (extant or proposed) would not have any adverse impacts to the character or amenity of the canal corridor and impose conditions as necessary.

4.1.5 **Natural England** No comments to make.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

4.1.6 **SC Ecology** Additional information is required relating to the impact on designated sites. Please refer to the Environment Agency's formal memo dated 29th November 2017. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not be contrary to NPPF & MD12.

Natural England have formally responded to this planning application and have confirmed

that the SSSI in 5km of this proposal is designated for its geological interest features – therefore no further assessment is required to assess impacts on National designated sites.

Environment Agency Comments: As part of the planning submission and Permit application, in consideration of the proximity of sensitive receptors, including the adjacent Site of Special Scientific Interest (SSSI), we would expect greater detail on the proposed biomass boiler (including fuel type and stack height) and design of the building to ensure no adverse impact and minimise the likelihood of pollution, emissions etc. Specifically, we would expect the applicant to consider air quality in greater detail. An assessment of emissions and dispersion would inform details on the scale and nature of the stack. The planning application should provide a reasonable degree of certainty on whether the development is an acceptable use of the land and ‘no likely significant effects’ (to inform pollution control measures).

EA would request that the applicant submits a quantitative assessment of air emissions in consideration of the proximity of sensitive receptors. As there is currently a Permit Variation being progressed the abovementioned assessment work may have been undertaken and we would request that it is submitted (twin-tracked) with the planning application.

Shropshire Local Plan Policy: Shropshire’s Site Allocations and Management of Development Policy MD12: The Natural Environment states:

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

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

will only be permitted if it can be clearly demonstrated that: a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and; b) the social or economic benefits of the proposal outweigh the harm to the asset. In all cases, a hierarchy of mitigation then compensation measures will be sought.

SC Ecology would expect the assessment of air emissions to take into consideration in-combination assessment with other plans and projects and the background level, in line with the Wealden judgement. To aid this SC Ecology has not identified any planning application within 2km of Natural Assets (The Sydnall LWS, Colehurst Wood Ancient Woodland, and Unnamed Woodland 367562, 331105) which have been in the planning system since 2016. Background ammonia and nitrogen deposition levels should be taken from APIS.

- 4.1.7 **SC Public Protection** No objections. Having considered the air quality assessment it is noted that the conclusions of the report suggest no air quality objectives will be exceeded.

This is generally agreed with given the emissions being produced and the distances involved. However, I would suggest the EA are invited for comment as they, as previously noted in correspondence, will be regulating the development under an Environmental Permit.

4.1.8 **SC Highways** No objections.

The application is seeking retrospective approval for an additional six biomass boilers and alterations to a previously approved agricultural building. The submitted Supporting Statement describes the development and the associated farming operations, with Section 3.6 confirming that the additional biomass boilers will not result in an increase in traffic movements. It is considered that there are no reasons to question the contents of the statement and while it would appear that an unspecified quantity of the dried crops are exported for sale this would be the case with any traditional crops or livestock.

A previous planning approval for the erection of two poultry sheds (reference 15/00924/EIA) required the completion of an improved vehicular access junction and visibility splays to the A529. A recent site visit confirms that the access works have been completed and appear to be well maintained.

In view of the Highway access arrangements which are in place and in use for the permitted farming operations, the current proposal is not considered to give rise to concerns in terms of Highway safety.

4.1.9 **SC Drainage** Advice provided as an informative which can be added to the decision notice.

4.1.10 **Shropshire Fire Service** Advice provided (see Informatives).

4.2 **Public comments**

4.2.1 The application has been advertised by site notice. In addition, 53 residential properties in the local area have been individually notified. Objections have been received from 23 households. The representations include detailed letters of objection. The concerns raised are summarised below and the full text can be viewed on the Council's online planning register.

- Flues are not in keeping with the rural setting and do not enhance the environment
- Visual impact from canal banks
- Boilers are not needed for heating of the poultry units
- Installation is over-capacity; if the RHI payments were not available it would never have been installed
- 4MW unit is capable of drying 16,000 tonnes of biomass fuel
- 4MW of boilers are not needed to heat a poultry unit of this size
- More boilers are proposed than are required as the miscanthus self dries in the field
- Additional traffic on small narrow lanes
- Lorries cause damage to verges
- No traffic assessment submitted to indicate the suitability of the current highways infrastructure
- Tyrley Road is mostly a single track road with few passing places and no

- pavement
- Misleading comments regarding traffic impacts
- Noise from lorry traffic
- A529 is one of Britain's most dangerous roads
- No noise assessment undertaken
- Noise from fans
- Dust from blow drying miscanthus
- Impact on walkers from the canal, cyclists and horse riders
- No guarantee that miscanthus would only be sourced from the holding
- Pollution concerns
- Large plumes of smoke seen from the biomass boilers
- Concerns over emission of PM₁₀ particulates
- Particulate matter PM_{2.5}, PM₅ and PM₁₀ and nitrous oxide being discharged in large quantities
- High levels of dioxins and flue emissions with heavy metals and carcinogenic compounds
- Permits are issued without any real checks or adequate regulation
- Gaps in regulation resulting in gaps in scrutiny and poor public protection
- Query whether Council has the level of expertise to reach a fully informed and objective decision
- Environmental Health need to carry out a full assessment
- Odour from combustion
- No information regarding spacing of flues; spaced too tightly
- No details regarding fire risk or fire control
- Boilers should have been included in the original application
- Incentive of government subsidies is the drive behind the development
- Queries over accreditation process
- Impact on listed buildings from noise and vibration from additional HGV vehicles
- No air quality assessment; emission dispersion modelling; all uses of boilers; operating hours
- Environmental assessment of air quality for site operatives is required
- Lack of information submitted
- No details of handling, storage or disposal of fly ash which contains particulates harmful to health
- Odour is greater than would be the case from the AD plant
- Landscape planting for existing permissions has not been carried out
- Ground modelling for poultry sheds not undertaken as approved
- Drying floor also being used to dry chopped miscanthus for use as biomass fuel
- Has been a change of use at the site to industrial
- Proposal is contrary to planning policy including MD7, CS5, CS1, CS6, CS7, CS8, CS13, CS17
- Alternative sites have not been considered, as required by EIA regulations
- Conflicts with NPPF
- The matter should be referred for judicial review if permitted
- Possibility of maladministration by the Council

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design; impact upon landscape character
- Historic environment considerations

- Highways considerations
- Residential and local amenity; ecological and pollution considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Planning permission for a building for pelleting/storage of biomass crop at the site was granted in 2013 (ref. 11/04052/FUL). This approved building had similar dimensions to the current application but was never constructed. Subsequently, planning permission was granted in 2015 for an anaerobic digester (AD) on land at Hollins Lane (ref. 15/01108/MAW). Separate planning permission was granted at the same time for four poultry rearing units on adjacent land (ref. 15/00924/EIA). It was the intention that the AD plant would process 3,200 tonnes per annum of chicken litter arising at the poultry sheds, together with 11,000 tonnes per annum of energy crops grown on land farmed by the applicant. The poultry development is now operational. The permitted AD facility included two biomass boilers and associated litter storage area within a large building. This building has been constructed however the applicant has decided not to install the AD plant. It is now proposed that the building is used instead for the drying of energy crops from the applicant's holding, and for the heating of the adjacent poultry sheds. The principle therefore of a building on this site to support the adjacent agricultural and poultry rearing enterprises has been established by existing permissions.
- 6.1.2 The applicant states that the proposed boilers would help to dry the miscanthus grass that is grown on surrounding land, to reduce its moisture content and improve the standard of the product for sale to the bedding market. Core Strategy policy CS13 seeks to deliver sustainable economic growth. It states that in rural areas the continued importance of farming for food production and supporting rural enterprise in particular areas of economic activity associated with sectors such as agricultural and farm diversification. The proposal is in line with this policy. Concerns raised through representations over the capacity and use of the building are noted. It is considered that these can be addressed through the imposition of conditions restricting the source of energy crops and the principal uses to be carried out within the building.
- 6.1.3 Core Strategy policy CS5 provides support for agricultural related development in the countryside which maintain and enhance countryside vitality and character and bring local economic and community benefits. The proposal would allow energy crops that are grown on surrounding land to be dried in order to improve their value to the bedding market. The proposal would also enable a greater proportion of heat that is required by the adjacent poultry sheds to be derived from sustainable sources. It is considered that the proposal would provide environmental and economic benefits to the adjacent agricultural operations and can be supported in principle under policy CS5.
- 6.1.4 The National Planning Policy Framework supports the transition to a low carbon future as one of its core planning policies, and states that local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gases. The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 9), and that renewable energy generation is improved where possible (Policy CS6). As such the proposal is supported in principle by national and local planning policies.

6.1.5 Environmental impact assessment: Due to its size and capacity the proposed development falls below the criteria and thresholds for needing to be screened as to whether the application should be accompanied by an Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such an EIA is not required.

6.2 Siting, scale and design; impact on landscape character

6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings.

6.2.2 The building is of a similar scale and design to that permitted for the pelleting building in 2013 (which was never constructed) and for the AD plant building in 2015. The building is close to the adjacent poultry sheds and therefore well situated to provide heat to those buildings. It is also well located in terms of the source of miscanthus grass which is grown on surrounding land. It is considered that the proposed building is of an appropriate design and scale for its intended new purpose.

6.2.3 A landscaping scheme for the AD facility was previously agreed. Now that that development is not going to be built it is appropriate to re-visit the landscaping requirements and a condition can be added to the decision notice if permission is granted. The comments raised regarding the progress of landscaping to date have been raised with the site manager and this matter is being dealt with separately.

6.3 Historic environment considerations

6.3.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is given to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which it possesses, and preserving or enhancing the character or appearance of the Conservation Area.

6.3.2 The proposed building would be similar in appearance and scale to the permitted AD building, and would occupy the same footprint. As such it is not considered that the proposal would result in any additional harm to heritage assets. Consequently the proposal is acceptable in relation to the above policies and legislation.

6.4 Highways considerations

6.4.1 Core Strategy policy CS6 requires that development is designed to be safe and accessible to all. The application states that the fuel for the biomass boilers, and the crops to be dried on the drying floor, would all be sourced from the agricultural holding. It states that as such the development would not lead to an increase in traffic movements.

The application does not specify whether crops from the holding would be transported via internal access tracks or whether it would need to use the public highway network. In addition, as noted by the Council's highways consultant, no details of the amount of traffic that would be associated with the export of the dried product for sale have been included in the application.

6.4.2 The concerns raised through public representations are acknowledged. As part of the requirements of previous planning permissions, vehicular access to the site and poultry sheds is gained from a recently-construction dedicated access from the A529. This has been constructed to accommodate large vehicles and is of an appropriate design. No objections to the proposal have been raised by the Council's highways consultant on the grounds of highway safety. It is considered that this access can satisfactorily accommodate traffic from both the proposed operation and existing operations.

6.5 Residential and local amenity; drainage; pollution and ecological considerations

6.5.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity. One of the core planning principles of the NPPF is that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings. Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.

6.5.2 Drainage: The matters raised by the Canal and River Trust are noted, and these can be addressed by requiring the submission of a drainage scheme for approval, in line with the requirements of the planning permission for the AD plant.

6.5.3 Noise and dust: The nearest residential properties are in excess of 400 metres away. As such there is a significant buffer which would act to reduce noise and dust impacts on local residents. Similarly the nearest public rights of way are a significant distance from the site. The boilers are situated within the building which would provide noise attenuation. The Council's Public Protection Officer has raised no comments in respect of noise and dust impact implications. It should be noted that, given the capacity of the boilers, they are required to be regulated under an Environmental Permit from the Environment Agency. The EA has recently issued a variation to the existing Permit for the adjacent poultry rearing operation so that it now also encompasses the proposed biomass boiler operation. The EA has confirmed that the Permit controls relevant fugitive emissions including noise and dust from the Permitted site.

6.5.4 Fire protection: The Permit covers matters relating to fire protection, including steps and procedures to be followed to minimise or mitigate impacts on people or the environment in the event of a fire on the site.

6.5.5 Air emissions: In terms of potential air pollution, the Environment Agency initially raised concerns that insufficient details had been submitted in relation to the design of the boiler and flues, and requested further assessment of emissions and dispersion. The Council's ecology team similarly requested further details of emissions to enable an assessment of

potential impacts on designated ecological sites. An air quality assessment has now been undertaken by specialist consultants which considers the likely impacts from the operation of eight biomass boilers utilising miscanthus grass.

The report has assessed potential impacts in relation to the nearest residential receptors and also designated ecological sites.

- 6.5.6 The report advises that process contribution is negligible at all residential receptor locations for nitrogen dioxide, carbon monoxide and PM₁₀ particulates. It states that there is no realistic potential for a breach of the air quality objectives at residences. In terms of ecological receptors, the report identifies that critical level impacts are insignificant either alone or in combination with other source and require no further assessment. It concludes that there are no sensitive designated ecological receptors of European or national importance within 2km and there are no significant effects on ecological receptors. . It states that no further mitigation is required and that all stack heights are suitable.
- 6.5.7 As noted above, officers acknowledge that the EA have issued a variation to the existing Environmental Permit for the poultry operation and that the Permit now applies to the biomass boiler operation as well. This will provide control over emissions. As part of the Permit variation the EA has concluded that ‘our assessment shows that the emissions from the biomass boiler pose such a sufficiently low risk of a significant affect at human receptors that a detailed assessment is not required’. In considering planning applications, the NPPF states that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It states that planning authorities should assume that these regimes will operate effectively (para. 122). The conclusions of the air quality report and the advice received from specialist consultees lead officers to conclude that the proposed operation would not impact significantly on the local environment.
- 6.5.8 The Council’s ecology team have raised some queries over the submitted air quality information and clarification has been received from the consultants. Members will be updated on any further comments that are received from the Council’s ecology team.

7.0 CONCLUSION

- 7.1 Planning permission is in place to construct an anaerobic digester plant at this site, and this permission includes the construction of a building to house the plant and two biomass boilers. It is no longer proposed to develop the AD plant. The current proposal would provide eight biomass boilers in the building. The proposal would support the existing energy crop production operations that take place on surrounding land by providing drying facilities for the harvested crop. The proposal would also provide an additional source of heat for the adjacent broiler units. The use of energy crops would constitute a sustainable means of providing the required heating. The physical alterations proposed to the building would not result in a significant change to its visual appearance and can be accommodated within the landscape. The proposal would not result in adverse levels of emissions in the local environment, and drainage and landscaping matters can be dealt with through planning conditions. Subject to controls being imposed over the operation, as specified in conditions set out in Appendix 1, it is considered that the location is acceptable in relation to supporting the surrounding agricultural activities.
- 7.2 Whilst it is acknowledged that there have been extensive letters of objections to this

application from members of the public as well as Parish Councils, these issues and those of the statutory consultees have been given careful consideration in the assessment above.

7.3 Subject to no adverse comments being received from the Council's ecology team which cannot be addressed through planning conditions, it is considered that the proposal is in line with Development Plan and national policy and that planning permission can be granted subject to the conditions in Appendix 1 and any further conditions as considered necessary by the Council's Planning Ecologist.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of

‘relevant considerations’ that need to be weighed in Planning Committee members’ minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

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

RELEVANT PLANNING HISTORY:

11/04052/FUL Erection of a building for pelleting/storage of biomass crop (Miscanthus) with attached office; installation of roof mounted PV solar panels; provision of a weighbridge; provision of visibility splay and associated works; landscaping scheme to include earth bund (Amended Description) GRANT 5th April 2013
13/04495/DIS Discharge of conditions 3 (access), 4 (sound insulation), 5 (head walls of access), 8 (landscaping) and 9 (closing of existing access) of planning permission reference 11/04052/FUL for the erection of a building for pelleting/storage of biomass crop (Miscanthus) with attached office; installation of roof mounted PV solar panels; provision of a weighbridge; provision of visibility splay and associated works; landscaped scheme to include earth bund. DISAPP 2nd December 2013
14/05167/SCO Scoping opinion for the erection of four poultry units, feedstock clamps and anaerobic digester plant SCO 17th February 2015
15/00924/EIA Erection of two poultry sheds and feed bins, ancillary works including access track and associated landscaping works GRANT 15th September 2015
15/01108/MAW Installation of an 800kW agricultural Anaerobic Digester (AD) Plant and associated infrastructure GRANT 11th September 2015
15/05255/DIS Discharge of Conditions 3, 4, 5, 6, 7, 9 and 10 of Planning Permission 15/01108/MAW for the Installation of an 800kW agricultural Anaerobic Digester (AD) Plant and associated infrastructure DISPAR 16th March 2016

15/05256/DIS Discharge of Conditions 3, 4, 5, 6, 7, 8, and 10 of Planning Permission
 15/00924/EIA for the erection of two poultry sheds and feed bins, ancillary works including
 access track and associated landscaping works. DISPAR 16th March 2016
 17/05286/FUL Application under Section 73A of the Town and Country Planning Act 1990 for
 the alterations to approved agricultural building and installation of six additional biomass boilers
 and a drying floor PDE

11. Additional Information

[View details online:](#)

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

Cllr R. Macey

Local Member

Cllr Rob Gittins

Appendices

APPENDIX 1 - Conditions

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

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

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

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

2. Within two months of the date of this permission a landscaping plan shall be submitted to the Local Planning Authority. The plan shall include:
- a) Planting plans, creation of wildlife habitats and features and ecological enhancements;
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - f) Implementation timetables.

The plan shall be carried out as approved and in accordance with the approved timescales.

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

3. Within two months of the date of this planning permission a scheme for the disposal of surface water and all treated foul sewage, to include discharges to any watercourses and discharge rates, shall be submitted to the Local Planning Authority, together with a timetable for its installation. The development shall thereafter only be implemented in accordance with the approved scheme.

Reason: To ensure that appropriate drainage arrangements are in place which minimise the risk of flooding of adjoining land, prevent pollution and minimises the risk of creating land instability in the adjacent Woodseaves Canal Cutting.

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

4. Biomass or energy crops that have not been grown on land owned by HLW Farms shall not be brought into the building.

Reason: To control the scale of the operation in order to protect local amenity and maintain highway safety.

5. Unless specified otherwise by the approved landscaping scheme, the landscaping shall be undertaken during the first available planting season following approval of the scheme. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

6. The development hereby permitted shall be limited principally to the supply of heat to the adjacent broiler units and the drying of energy crops.

Reason: To restrict the operations occurring at the site in order to maintain local amenity, and maintain a link between the operation and associated agricultural operations on the holding in line with planning policy.

Informatives

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

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

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

3. Drainage team advice:
A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4. Advice from Fire Service:

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

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m²

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting - Building Size

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

-



Committee and Date
 North Planning Committee
 26 June 2018

Item
6
 Public

Development Management Report

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

Summary of Application

Application Number: 18/00477/FUL	Parish:	Ightfield
Proposal: Erection of detached garage workshop and store		
Site Address: 6 The Townsend Ightfield SY13 4NS		
Applicant: Mr & Mrs Furber		
Case Officer: Charlotte Murchington	email: planningdmne@shropshire.gov.uk	

Grid Ref: 359234 - 338296



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

REPORT

1.0	THE PROPOSAL
1.1	This application seeks planning permission for the erection of a detached garage, workshop and store.
2.0	SITE LOCATION/DESCRIPTION
2.1	6 The Townsend is an existing semi-detached 2 storey dwelling located within the village of Ightfield, approximately 3.5 miles south east of Whitchurch. The property is located within a relatively modest curtilage within open countryside.
2.2	Neighbouring properties lie to either side, with Number 5 being the adjoining semi-detached property, and open fields lie to the rear and front of the property.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The views of the Parish Council are contrary to the Officer recommendation and the Principal Planning Officer in consultation with the Committee Chairman and Vice-Chairman has advised that it is appropriate for the application to be determined by Planning Committee.
4.0	Community Representations
4.1	Consultee Comments
4.1.1	<p><u>Ightfield Parish Council:</u> The Parish Council wishes to submit an objection to this proposal on the grounds that it is inappropriate development in the location due to the size and scale of the building which is considered to be too large for a domestic garage. The Townsend development is small, residential and the access is via an unadopted road which is in a poor state of repair. A development of this proposed scale would not be in keeping with neighbouring properties and the Members have queried the need and intended use for such a large scale building in this setting, where a building for commercial uses would not be appropriate. The Townsend is set on comparatively high ground and concerns have been raised about visual impact in this setting.</p> <p><u>22/05/2018 – re-consultation:</u> The Parish Council maintains its previous objection to this proposal on the grounds of the scale of the proposed structure (revised scheme dimensions noted), considering it to be inappropriate development in the location due to the size, which from the plans indicate that it will occupy a larger footprint than a neighbouring property. The visual impact of a structure of this size in this setting is of concern and</p>

	<p>Councillors expressed the view that it is inappropriate development for the location and would be out of keeping with neighbouring properties.</p> <p>As such the proposed scheme contravenes both CS4 as the design and scale are not 'sympathetic to the character of the settlement and its environs', and CS6 as the scheme would not 'protect, restore, conserve or enhance the natural, built and historic environment and would not be appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments..'</p>
4.1.2	<p>SC Regulatory Services:</p> <p>Having considered the proposal it is noted that this garage is not for commercial use. I therefore have no objection to the proposals. If the application had been for commercial use I would have objections based on potential noise impacts however I do not have the same concerns for a residential garage.</p> <p>The applicant should be aware that should noise be generated from residential activities that amounts to a statutory nuisance, as defined in the Environmental Protection Act 1990 s79, and complaints are received this could result on formal actions being taken to resolve the issue. It is therefore in the applicants interests to ensure that any activities carried out are reasonable when consider in particular the volume, frequency, duration and time of day of any noise which may be created by use of the garage in future for residential uses.</p>
4.2	Public Comments
4.2.1	<p>Mr and Mrs Powell – Objection:</p> <p>We write in connection with the above planning application.</p> <p>We wish to OBJECT to this application after examining this plan carefully.</p> <p>Size of garage, store and workshop, location/appearance.</p> <p>We feel that the proposed garage, store and workshop will be visually overbearing to a number of properties including my own. We feel the overall measurements for this garage are totally out of keeping with this area. The proposed garage would be more in-keeping on an industrial estate unit not in a residential area made up of only 10 houses. We feel the size of 12365x8427 are far larger than any standard double garage. The height of 5245 is also a great concern as this is actually 1 metre taller than the eaves on my two storey house! I cannot understand why a double garage would need to be of this height for noncommercial use?</p> <p>I also raise the concern that my property looks straight onto this proposed site and I would in fact see the whole length of this garage (12365) which will be more than 6 Townsend will actually see.</p> <p>Previous planning objection.</p> <p>We note that a previous application for a bungalow was turned down for this site, we would be interested to see what size this planned bungalow was and if the planned bungalow was actually smaller than the proposed garage?</p> <p>Further concerns.</p> <p>We understand that the occupation of the occupant of the house is a mechanic by trade and we are concerned that this oversized garage may be used in the future for business use!</p> <p>Summery.</p> <p>We want to clarify that we would have no objections if this garage was to be built to</p>

	<p>a smaller more standard double garage height, length and width size.</p> <p><u>Ms Halden – Objection:</u> I object to this application for the following reasons; The size of the proposed garage/workshop is not in keeping with the residential nature of The Townsend. A garage of this size is more suited to an industrial estate. The erection of such a building would greatly increase the traffic on an already well used unadopted road, the upkeep of which falls on us as residents. As a result it would undoubtedly need to be repaired much more regularly forcing an extra cost onto residents. Whilst I would not see the structure from my windows, it would surely seem very overbearing and depressing for those residents who could not avoid looking out onto it.</p>
5.0	THE MAIN ISSUES
	<ul style="list-style-type: none"> • Principle of development • Siting, scale and design of structure • Visual and neighbouring amenity
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Alterations and development to properties are considered acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 7 of the National Planning Policy Framework (NPPF) reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people and which reinforce local distinctiveness.
6.1.2	The application site is situated in open countryside in planning terms where Policy CS5: Countryside and the Green Belt of the Shropshire Core Strategy strictly controls development within such locations, permitting development which is considered to be appropriate uses which enhances and maintains the vitality and character of the countryside.
6.1.3	Shropshire Core Strategy Policy CS17: Environmental Networks is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire natural and built environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.

6.2	Siting, scale and design of structure
6.2.1	Proposed is the erection of a single storey pitched roof garage and store, located to the rear of the garden of the site. The garage would be accessed via the existing rear entrance to the garden and the parking area.
6.2.2	Initial concerns were raised by officers regarding the scale and design of the proposed structure, where the proposed would be an overdevelopment of the site and would more reflect a garage of a commercial use. Letters of objection were also received from neighbours and the Parish Council. In the interests of working proactively to seek solutions, as required by paragraph 187 of the NPPF, these concerns were relayed to the agent and amended designs subsequently received (19.04.2018).
6.2.3	Amended designs saw a reduction in the length, width and height of the garage and the use of more traditional construction materials. The proposed garage now measures approximately 10 metres in length and 7.6 metres in width. The garage would also measure approximately 2.4 metres to the eaves and 4 metres in overall height. A double steel roller shutter door is proposed to the front and two steel personnel doors are proposed to the northern elevation. A window is also proposed to the rear elevation and to the side (north) elevation. No openings are proposed to the southern elevation.
6.2.4	Details of the proposed constructions materials of the garage have not been confirmed and these can be controlled by way of condition. Amended plans submitted with the application indicate the external materials will be brick and with a tile roof.
6.2.5	Concerns were raised by officers regarding the intended use of the garage. The agent has now confirmed that all vehicles kept on site are in the ownership of the applicant, who has a total of four cars. The applicant wishes to store and maintain these vehicles within the garage. The restoration and preparation of cars within the garage will be for the applicant only and not for other people. The applicant will not be selling cars from the garage. The agent has also confirmed that the garage is for the sole personal use of the applicant to pursue his hobby and no cars would be stored or worked on in connection with his place of work, P. A. Roberts. The applicant has recently moved to the property, which does not currently have a garage, hence the submission of this application. The garage would be for the private storage and preparation of cars only, no spray painting of vehicles would take place on site.
6.2.6	A condition can be imposed restricting the use of the building to domestic uses only and not for any commercial purposes.
6.2.7	Under Permitted Development Rights, a garage of the proposed footprint (10 metres by 7.6 metres) could be constructed without the need for Planning Permission as the total ground area of the garage would not exceed 50% of the total area of the curtilage. However, as the garage would be within 2 metres of a boundary, the overall height of a garage is restricted to 2.5 metres. Therefore, if the proposed garage had a flat roof of 2.5 metres in height, the proposal would meet

	the criteria for Permitted Development.
6.2.8	Overall, it is considered that the garage will not have a detrimental impact on the character and appearance of the area and the use of more traditional construction materials will blend with the surrounding area. This is considered more appropriate for the location in design terms than a flat roofed garage. Therefore, the proposal is considered to be in accordance with policies CS5, CS6 and MD2.
6.3	Visual and neighbouring 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. Having regard to the proposed orientation and distance away from neighbouring properties, the proposed development will not result in any detrimental impact from overlooking or loss of light.
7.0	CONCLUSION
7.1	The proposed garage is considered to be in scale and character with its setting and of no detrimental impact to visual or neighbouring amenity. The application therefore is considered to accord with the principle determining criteria of the relevant development plan policies and approval is recommended, subject to conditions as set out in appendix 1.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>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.</p>
8.2	Human Rights

	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	<p>Equalities</p> <p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	<p>Financial Implications</p> <p>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.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

NS/90/00120/OUT Erection of bungalow and alterations to existing vehicular and pedestrian access REFUSE 7th March 1990

18/00477/FUL Erection of detached garage workshop and store PCO

18/00707/FUL Erection of two storey and single storey extensions GRANT 21st March 2018

NS/94/00334/FUL ERECTION OF A CONSERVATORY TO SOUTH WEST

ELEVATION AND PORCH TO SOUTH EAST ELEVATION
OF EXISTING DWELLING (RETROSPECTIVE) APPRVD 6th December 1994

11. Additional Information

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P36FJWTDJ8S00>

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

Appendices APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

4. The garage hereby approved shall not be used as living accommodation. The garage shall only be used for the storage and preparation of vehicles and purposes incidental to the enjoyment of the residential dwelling and its occupants at the site and shall not be used for any commercial or business purposes.

Reason: In order to safeguard the residential amenities of the area and in order to prevent the establishment of an additional dwelling on the site.

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Committee and Date
 North Planning Committee
 26 June 2018

Item
7
 Public

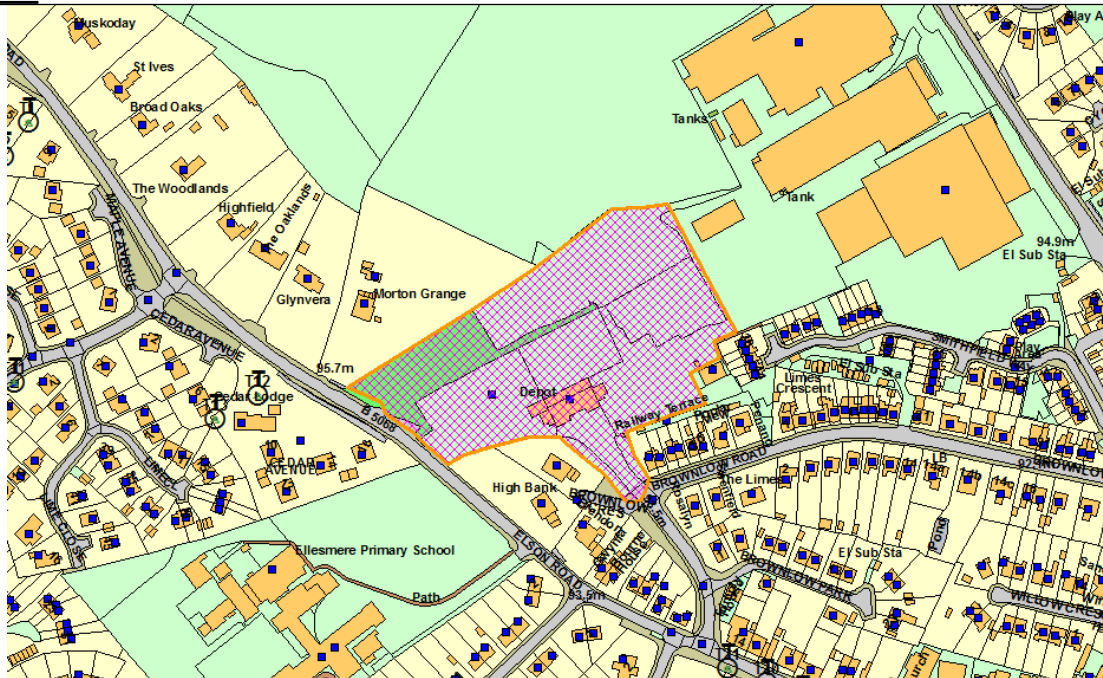
Development Management Report

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

Summary of Application

Application Number: 18/01027/OUT	Parish:	Ellesmere Urban
Proposal: Hybrid application for residential development of 65 dwellings; comprising Outline application for the erection of up to 58 dwellings with all matters reserved and Full planning application for the conversion of "Old Railway Station" building into 7 apartments with car parking, access road, public open space and associated works		
Site Address: Old Railway Station Brownlow Road Ellesmere Shropshire SY12 0AP		
Applicant: Homes England		
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 339598 - 335029



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant entering into a s106 agreement to secure an affordable housing contribution and £10,000 for highway works.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is a hybrid planning application meaning that part of the site is seeking full planning permission and part of the site is only seeking outline permission.
- 1.2 The part seeking full planning permission relates to the grade II listed station building. The applicant is proposing to convert this into seven apartments together with parking and amenity space.
- 1.3 The part of the application that is seeking outline planning permission relates to the remainder of the site which comprises 1.43 hectares of disused industrial land, historically this formed part of the railway network. The applicant is seeking to establish the principle of up to 58 dwellings. The siting, design and external appearance of the development and the means of access would all be reserved for later approval. As part of the application the applicant has provided an indicative layout for the new build dwellings to show how the site could be developed.
- 1.4 Planning Permission was sought in 2006 for redevelopment of this site for a residential development (NS/06/02024/OUT). The site area was similar but not identical to the site proposed here but it did not include the station building, the scheme was for the erection of 52 dwellings. At that time there was a resolution by the North Shropshire District Council to grant planning permission subject to a S106 legal agreement. The applicant failed to progress the S106 and the application was subsequently withdrawn. A further outline planning application was submitted in 2014 for a residential development (14/01744/OUT), this also did not include the station building. Outline planning permission was granted with all matters reserved for later approval, but it did establish the principle of a residential development on the site. This permission remains extant although it will expire in November 2018.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises approximately 1.43 ha of disused industrial land and is located within Ellesmere's defined development boundary. The site was formally part of the railway network and more recently part of the Fullwoods site where they manufacture dairy equipment. The industrial use has not taken place for a number of years and the site has remained vacant since its last use for open storage. The

former station building has previously provided office accommodation. The land to the west is still an area of operational industrial buildings. The main access to the continuing industrial use is from Grange Road although the existing access to the site (off Brownlow Road/Brownlow Crescent) is still in active use providing access to the employees parking area and access for HGV's.

2.2 Within the site there is the former Railway Station, a Grade II Listed Building, built in brick and stone under a slate roof, with its platform and canopy still intact.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 In consideration of the scale of the development site as a whole, its location and local concerns as raised both the Chair and Vice have concluded that it is appropriate for this application to be presented to Committee for consideration.

4.0 **Community Representations**

4.1 **Consultee Comments**

4.2 **Ellesmere Town Council- object to the application**

While it is recognised that this is a potentially suitable brownfield site for housing, the proposed access to the site from Brownlow Road is wholly unsuitable for the numbers of vehicles that would be associated with a development of this size. There have been recent incidents in Brownlow Road (a residential road with on-street parking) of speeding, a parked vehicle being hit and a child being knocked off his bike - and the Council has been in discussions with Shropshire Highways to look at ways of minimising through-traffic along the road, which is sometimes used as a "rat run" by drivers trying to avoid queues at the Trimley Street pinch-point.

This development would significantly increase the number of vehicles using Brownlow Road with a consequent impact on road and pedestrian safety.

The Council has over a number of years expressed concern at the impact of new housing developments on traffic levels in Trimley Street - particularly around the 8 ft wide "pinch point" and the junction with Willow Street. It is acknowledged by Shropshire Highways that this junction is already over-capacity, and this development will only increase pressure on the junction. It is noted that the applicant's traffic consultants have concluded that there will only be a minimal impact on the local highways network. It is believed that this is unrealistic, that vehicle surveys were not carried out at busy times of the day, and that no account has been made for the additional traffic that will be generated by the 113 new houses at The Hawthorns development off Elson Road that has recently received planning permission. During SAMDev consultations a few years ago, the Council was told that any further development off Elson Road/Trimley Street would not be entertained until the traffic issues on Trimley Street had been resolved - but this has not been followed through.

It is believed that large HGVs and other commercial vehicles will continue to access the adjacent Fullwoods site from Brownlow Road. If this development went ahead, it would mean these vehicles would be travelling along a narrow residential street with the consequent dangers to pedestrian and traffic safety. The Council has previously explored with Fullwoods the possibility of having an access for HGVs from Grange Road, which would have the benefit of taking these vehicles off a narrow residential street and away from the Trimpley "pinch-point" etc. It is recommended that the applicants enter into discussions with Fulwoods and the Town Council about creating an alternative entrance to the Fulwoods site from Grange Road in order to mitigate some of the highways safety concerns.

4.3 SC Highways-

No objection subject to conditions.

4.4 SC Drainage-

No objection subject to conditions.

4.5 SC Education-

Shropshire Council Learning and Skills reports that whilst there is currently capacity the proposed development, along with other development proposal are likely to impact on future schooling requirements in the area. Current forecasts show a likely shortage of local schooling places in 2022. Learning and Skills will continue to monitor the impact of this and future housing developments in the area. In the case of this development it is recommended that any requirements for increased capacity is met from contributions that are secured via CIL funding.

4.6 SC Regulatory Services -

No objection to conditions to address contaminated land and noise protection for occupants.

4.7 SC Affordable Housing-

The affordable housing provision will be calculated excluding the listed station building and if the number remains at 58 then we would expect 5 dwellings on site and a financial contribution for the remainder. If additional affordable units are to be provided then further discussions on the type and tenure will be required.

4.8 SC Archaeology-

Low potential for unrecorded archaeological remains.

4.9 SC Parks and Recreation-

Based on the current design guidance the development as a whole will deliver 154 bedrooms and therefore should provide a minimum 5040m² of usable public open space as part of the joint site design.

Currently the site design plan only identifies a small area of POS provision situated between the proposed apartments and the housing development which does not appear to be sufficient and therefore it does not meet the MD2 policy requirement. The site must be redesigned and altered to meet the policy requirements.

The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

4.10 **SC Conservation-**

No objection to the amended scheme subject to appropriate conditions.

4.11 **Public Comments**

6 letters of objection received commenting on the following issues:

Increased traffic on Brownlow Road and Trimpley Street

No more houses needed in Ellesmere

School is at capacity

Medical Practice at capacity

Access road will not meet the future needed of Fullwoods

Impact on security at Fullwoods

Noise impact on residents from industrial activities Fullwoods

Support the development of the station building

Inadequate drainage

5.0 **THE MAIN ISSUES**

- ☐ Principle of development
- ☐ Siting, scale and design of structure
- ☐ Visual impact and landscaping

6.0 **OFFICER APPRAISAL**

6.1. **Principle of development**

- 6.1.1 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. For decision taking the paragraph 14 advises that schemes that accord with a development plan should be approved without delay.
- 6.1.3 As noted earlier in this report the site has an extant outline planning permission for a housing development, that scheme showed an indicative layout for 56 dwellings on a site that was comparatively smaller than the site currently proposed. The site also has the existing authorised for employment purposes. The site can therefore be classed as brownfield land and therefore it should be a priority for re-use and development as set out in policy CS10 of the Core Strategy. Or alternatively the applicant could utilise their fall-back position which is their outline planning permission which excludes the land that is occupied by the listed station building.
- 6.1.4 The supporting text to policy S8 of SAMdev (paragraph 4.83), which sets out the town's development strategy acknowledges that in addition to the allocated housing sites there are, "significant opportunities for development of windfall sites on brownfield land within the established Development Boundary".
- 6.1.5 The site is in a sustainable market town location where there is good access to shops, services and facilities which would reduce the reliance in the use of the car.
- 6.1.6 The existing authorised use of the open land is for commercial uses, with the station building have a permitted use for offices. Whilst the scheme would in effect result in the loss of employment land it has remained vacant and underutilised for a number of years. In addition there is already a commitment to provide additional employment land in two separate parts of the town as detailed in SAMDev. It is therefore considered that the loss of this parcel of existing commercial land has a neutral impact in the overall planning balancing exercise.
- 6.1.7 The entire site falls within the Ellesmere development boundary. Policy CS3 identifies that the market towns will maintain their roles in providing foci for economic development and regeneration. The policy goes on to state that balanced housing and employment development, of an appropriate scale and design that respects the town's distinctive character will take place within the development boundary.
- 6.1.8 The former station is a substantial two storey building located upon the entrance to the site. The building is grade II listed as is dates from 1861 and is considered to be a good and externally complete example of a rural Victorian railway station. The designated heritage asset has sat empty for a number of years and as a consequence it has been the subject of a number of break-ins although to date no significant damage has been caused to the building. To ensure the long-term

future of the building is necessary for it to be put back into an active use which will not only secure the building but will also ensure its future maintenance. Policy CS17 of the Core Strategy aims to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's natural and historic environment.

- 6.1.9 The conversion of the building into a residential use is likely to be the most financially viable re-use of the designated heritage asset and most likely to ensure its future upkeep. As such the principle of its conversion into apartments is considered to be acceptable.
- 6.1.10 The proposed erection of 58 dwellings seeks outline consent with all matters for this particular element reserved for later approval. As noted above the site is a large area of previously developed land which falls within the Ellesmere development boundary. As such the principle of the development is considered acceptable as is it in accordance with policy CS3 of the Core Strategy and S8 of SAMDev where it would be considered as a 'windfall' development helping to contribute towards Ellesmere's overall housing target of 800 homes during the plan period.
- 6.1.11 Members should also note that the principle of a residential development on the site has already been established by the previous outline planning consent, (14/01744/OUT) for a residential development. This previous approval remains extant. The only difference between the previous consent and this current application is that the applicant has now included a figure for the number of dwellings, now proposed to be "up to 58 dwelling". As such consideration to how this number of dwellings relates to the site and its context, along with the impact on the Listed Station building is a significant material consideration.
- 6.1.12 Accordingly, it is considered that the site is in a sustainable market town location where there is good access to shops, services and facilities which would reduce the reliance in the use of the car. It is therefore considered that the principle of a residential development on the site continues to be acceptable

6.2 Siting, Scale and Design

- 6.2.1 The application is seeking full permission for the conversion of the station building, therefore the finer details of this element of the scheme are to be considered. The existing layout of the station building does lend itself to the subdivision into a number of residential units. This can be achieved without the need for significant changes to the fabric of the building or its external appearance; thereby maintaining its historic appearance and character. A small area of public open space would be provided on the platform side of the building, this will facilitate open views towards the attractive building from the estate road and many of the proposed dwelling elsewhere on the site.
- 6.2.2 The proposed apartments will have their own allocated parking to the south of the building; equating to just over one space per apartment. To the west of the building there will also be an area of enclosed private amenity space for use by the

occupants of the apartments together with cycle and bin storage.

- 6.2.3 It is considered that the layout and design of the station building is sensitive to its historic character and appearance and would not have any detrimental impact upon its setting.
- 6.2.4 With regards to the new build dwellings their appearance, landscaping, layout and scale of the site are all reserved for later approval. The applicant has provided an indicative layout for the site to show how 58 dwellings could be laid out, although these details are not being considered as part of this outline application. However, what the plans do show is that the erection of 58 dwellings is achievable. The indicative layout shows a scheme of primarily smaller properties, each would have good sized gardens and the layout is not considered to result in the over development. The plans also show that each of the dwellings would have two off street parking spaces, these are shown as being predominantly positioned to the sides of dwellings to help create an attractive street scene that is not visually dominated by parked cars.
- 6.2.5 One of the most important aspects of the site is the listed station building, the indicative layout does show that the 58 proposed dwellings can be achieved whilst providing a buffer area of open space on the platform side of the building, this helps the scheme to respect the historic value of the building. Using the station building effectively as part of the development would add character and value to the development as a whole.
- 6.2.6 The submission of subsequent reserved matters application will provide the opportunity to fully consider the layout of the development and the design of the proposed dwellings to ensure that they integrate with the surrounding development and the listed station building.
- 6.2.7 The site does include a change in levels, which will provide both challenges and opportunities in terms of design and layout. Conditions will be required to ensure that cross sections and finished level details are provided to assess the impact on existing and adjacent development

6.3 Highway Safety

- 6.3.1 Access to the proposed development is to be from Brownlow Road. This access currently serves the Fullwood Limited operation, and will continue to do so with the proposed estate road continuing to the boundary with the industrial use. Fullwoods does have an access off Grange Road and this is for office staff. The shop floor workers and HGV's would continue to access the site via the Brownlow Road entrance as they have a right of access across the application site.
- 6.3.2 The conversion of the proposed station building into 7 apartments, which is the part of the application seeking full planning permission would not significantly increase the amount of traffic in the area. However, the outline part of the application would generate a substantial increase the number of vehicle

movements caused by the addition of a further 58 extra dwellings. The Council's Highways Officer considers that there could be highway improvements carried out which would enhance the interaction of both the new and the existing traffic movements within the immediate vicinity of the site and along Brownlow Road. These improvements could include changing the priority of traffic on Brownlow Road, effectively making the new access road the priority route, as well as introducing localised parking restrictions, helping to reduce localised congestion.

- 6.3.3 Ellesmere Town Council has raised the issue of the bottleneck that exists on Trimpley Street because of the priority flow traffic calming. In this instance the residents of the proposed development have an option to avoid this bottleneck by using Brownlow Road, clearly this will depend upon which direction that highway users are heading. It does however mean that the traffic flows from the development will be dispersed over the highway network rather than all being routed through the bottle-neck. The Town Council have commented that Brownlow Road suffers from traffic problems by being used as a rat-run and also by the HGV's using the residential road to access Fullwoods. This relates to an existing access serving an existing business rather than something that would be a consequence of this development.
- 6.3.4 Whilst there would be an increase in traffic movement and this would be combined with movements to and from Fullwoods it is considered unlikely that it would be to such a level where it impacts upon the free flow of traffic. Consideration is also given to the authorised industrial use of the site which has the potential to generate significant vehicle movement, potentially including HGV's on the highway. The use of the site for residential uses is preferable as this does tend to generate known traffic movements when compared to an industrial use which can be more unpredictable and very much dependant on the nature of the business. The site is also within walking and cycling distance of the town centre and therefore can be considered a sustainable location, with the benefit that this may result in a lower car trip generation.
- 6.3.5 It is noted that the Town Council would prefer Fullwoods to have a separate access for HGV's directly from Grange Road which would have the benefit of removing HGV's from Grange Road. However, whilst this may be desirable the applicant has no control over the land required to achieve this. As such the application must be considered on its individual merits and on the basis of the land that is included within the application site.
- 6.3.6 Members should be aware that the issue of traffic generation was considered at the time when the previous planning application was considered and subsequently approved. Whilst the precise number of dwellings was not known at that stage as it was an outline application, the size of the site would inevitably have led to a substantial number of dwellings being built which in turn would generate a substantial number of vehicle movements. At that time it was considered that the highways movements were acceptable. The applicant therefore has a fall-back position and could still proceed to submit a reserved matters application for the consent they already have.

6.3.7 In the circumstances, it is considered that the developer should enter into an appropriate Section 106 Agreement to secure the funding necessary for the Council to carry out the potential Traffic Regulation Orders required, should the future highway situation necessitate improvement. The s106 will be used to secure £10,000 which is retained by the Council for up to 5 years following completion of the new build dwellings, in order to assess the actual resultant scale of impact and undertake the appropriate road safety works where required.

6.4 Impact on neighbours

6.4.1 The nearest existing dwellings to the site are those to the south which front onto Brownlow Road. These properties would have their rear gardens abutting the application site. It is considered that the site can be developed whilst maintaining adequate distances of separation to preserve the neighbour's amenity.

6.5 Public Open Space

6.5.1 Under SAMDev it states that all development needs to provide adequate amenity space set at the minimum standard of 30 sqm per person and that for scheme of 20 dwellings or more a functional area for play and recreation should be provided. On this basis and based upon scheme proposed is likely to deliver around 154 bedrooms equating to 5040 sqm of open space. The indicative layout shows an area that is significantly smaller than this. The area of public open space is adjacent to the Listed Building and is included within the land that forms part of the full application.

6.5.2 In this instance there are a number of other material considerations which need to be taken into account of when considering what an acceptable amount of public open space is. The site is an area of previously development land which will incur a cost in terms of its remediation, there are also the costs associated with dealing with a grade II historic building. The site is also in a location which is unlikely to attract high value dwellings; therefore to create a scheme that is financially viable it needs to be a relatively high density development of smaller, more affordable dwellings; this naturally increases the number of bedrooms and therefore the amount of public open space that should be provided.

6.5.3 A small area of public open space is to be provided which has the dual purpose of providing an area for use by residents but also to provide a buffer to the listed building to enhance its setting.

6.5.4 It is considered on balance that a reduction in the amount of public open space, against the policy requirement, is an acceptable compromise given the benefits of allowing this long term vacant brown field site to be developed along with the restoration of a grade II listed building. The scheme will also provide an increase supply of smaller, more affordable dwellings to the local population. As the new dwellings are only proposed in outline, and the layout is only indicative, there may be an opportunity to include further areas of open space within its layout; this can be considered further upon submission of any subsequent reserved matters application.

6.6 Ecology

- 6.6.1 The applicant has provided an independent Ecological Assessment with the application. The assessment concludes that the site was mostly hard standing with some small amounts of rough grass. No evidence of any protected species were found within the boundaries of the site. It is therefore considered that the proposed development would not have any detrimental impact upon any protected species that might be found in the area.

6.7 Affordable Housing

- 6.7.1 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. In Ellesmere the rate of contribution is 10%. The precise number of dwellings is not yet known as this is an outline planning application. However, on the basis of the site being development for 58 new build dwellings, this will provide 5 on site affordable dwellings plus a financial contribution, these will be secured by a s106 agreement.

6.8 Contamination

- 6.8.1 The applicant has submitted a contamination report which identified a number of areas that require further investigation and where appropriate necessary remediation. The contamination is a likely consequence of being part of the railway network or the subsequent industrial uses. Conditions have been suggested by the Council's Public Protection Officer and these are therefore necessary to ensure the potential risk of contamination is managed and appropriate remediation measures provided as required.

7.0 CONCLUSION

- 7.1 The site is on an area of previously developed land located within the Ellesmere development boundary as identified in SAMDev document and significant weight must also be awarded to paragraphs 7 and 8 of the NPPF where there is a presumption in favour of sustainable development. As such the site is considered to be located in a sustainable location where everyday services and facilities are located within easy walking distance and there is good access to public transport.
- 7.2 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 high levels of existing mature planting. It is considered that a residential use for the site would have less impact on the amenities of neighbouring occupiers and the highway network than its former use for industrial purposes.
- 7.3 The scheme as proposed provides an opportunity for the sensitive conversion of the grade II listed station building which will secure its long term future by bringing it back into an active use.
- 7.4 The applicant has a strong fall-back position of an extant outline planning permission for a residential development on the site. The benefit of this latest submission is that it also includes the restoration and conversion of the listed

building making it a more comprehensive re-development of the site. The listed building was not included in the previously approved planning application. By previously granting outline planning permission the local planning authority have already accepted that the surrounding road network can accommodate the additional traffic flows associated with a substantial housing scheme.

7.5 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, brownfield location where there is good access to services in a sizeable market town. Accordingly, it is considered that the proposal complies with policies CS3, CS6, CS11 and CS17 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 six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS13 - Economic Development, Enterprise and Employment
Economic Development, Enterprise and Employment
CS17 - Environmental Networks
MD2 - Sustainable Design
MD8 - Infrastructure Provision
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S8 - Ellesmere
National Planning Policy Framework

RELEVANT PLANNING HISTORY:

NS/06/01853/ENQ Proposed change of use to business use REC

NS/09/00020/PREAPP Proposed development of 30 units of affordable housing REC

NS/86/00449/FUL Change of use of existing premises from light industrial to retail use for the sale of agricultural goods and farmers requisites. GRANT 18th August 1986

NS/91/00585/LBC Renovations and repairs to roof, canopy, guttering and some internal repairs to existing building. GRANT 19th August 1991

18/01026/FUL Clearance, levelling and restoration of site including temporary security hoardings. GRANT 18th June 2018

18/01027/OUT Hybrid application for residential development of 65 dwellings; comprising Outline application for the erection of up to 58 dwellings with all matters reserved and Full planning application for the conversion of "Old Railway Station" building into 7 apartments with car parking, access road, public open space and associated works PDE

18/01028/FUL Conversion of the 'Old Railway Station' building into 7 flats, car parking, new access road, public open space and associated works NPW 13th March 2018

18/01029/LBC Alterations in association with the proposed conversion of "Old Railway Station" to residential PCO

NS/02/00068/FUL Siting of a satellite dish for broadband internet connection 89 cm diameter CONAPP 12th March 2002

NS/04/00377/OUT Erection of 5 dwelling houses; construction of new estate road; alteration of vehicular and pedestrian access CONAPP 28th May 2004

NS/80/00614/FUL Siting of three coalhoppers and two access loading bays. GRANT 12th August 1980

14/01744/OUT Outline application (all matters reserved) for mixed residential development; formation of estate roads GRANT 13th November 2015

PREAPP/16/00643 68 Residential units and conversion of a listed building PREAPP 12th June 2018

18/01026/FUL Clearance, levelling and restoration of site including temporary security hoardings. GRANT 18th June 2018

18/01027/OUT Hybrid application for residential development of 65 dwellings; comprising Outline application for the erection of up to 58 dwellings with all matters reserved and Full planning application for the conversion of "Old Railway Station" building into 7 apartments with car parking, access road, public open space and associated works PDE

NS/03/00102/OUT Erection of 14 dwellings, construction of new estate road, alteration to existing vehicular and pedestrian access REFUSE 10th April 2003

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Ann Hartley
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the appearance, layout, scale and access of the development and the landscaping of the area of new build dwellings covered by the outline element of the application (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins in connection with the outline scheme and the development shall be carried out as approved.

Reason: The application is a hybrid application which comprises part full application and part outline application under the provisions of Article 4 of the Development Management Procedure Order 2010. No particulars have been submitted with respect to the matters reserved in the outline part of this permission.

2. Application for approval of reserved matters with respect to the outline element of the development (new build dwellings) shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The outline element of the development hereby permitted (new build dwellings) shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The full element of the development hereby permitted (conversion of station building) 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).

5. 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

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;
- a construction traffic management (& HGV routing plan) and community communication protocol.

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

7. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

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

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

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

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

9. Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

10. Prior to the above ground works commencing details of all external materials in the area covered by the 'full' application, including hard surfacing, to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

11. A landscape management plan for the area of public open space, including long term design objectives, management responsibilities and maintenance schedules for the areas shall be submitted to and approved by the local planning authority prior to the occupation 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 satisfactory appearance of the development.

12. A residential travel plan shall be submitted to the Council, for approval, at least 3 months prior to the completion of the development of the outline application (new build dwellings). With the approved Travel Plan being implemented within one month of the first occupation of the residential development. The travel plan measures shall relate to the entirety of the residential development, and reflect the phasing of occupation as appropriate.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in Planning Policy Guidance Note 13.

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

13. The works detailed as being necessary to remediate the site shall be carried out in accordance with the contamination remediation requirements as detailed within the WYG Reclamation Strategy; ref. A090070-178 dated February 2018.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

14. In the event that contamination not previously identified is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared which must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation proposal is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

15. Site clearance, earthworks or operation of heavy machinery shall not take place outside 0800 hours to 1800 hours Mondays to and at no time on Saturday, Sundays or Bank Holidays.

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

16. The converted station building shall not be occupied until the car parking shown on the approved plan has been provided, laid out and hard surfaced.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

17. Prior to the outline planning application area hereby permitted being first brought into use the access layout and visibility splays shall be implemented in accordance with Drawing No. A090700/35/18/T2/B dated 12.12.18 (attached to amended TA)

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

18. The mitigation stated in drawings SK05 and SK06 of report referenced A090070-178 produced by WYG dated December 2017 shall be implemented in full during the construction of the development. All gardens backing onto roads shall have fences a minimum of 1.8m in height.

Reason: to protect the health and wellbeing of future residents.

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