



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

Date: Monday, 25 March 2019

Committee:
North Planning Committee

Date: Tuesday, 2 April 2019

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
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
Joyce Barrow
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 - 4)

To confirm the Minutes of the meeting of the North Planning Committee held on 5th February 2019, 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, 1st April 2019.

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 Hangar 3, Eaton Road, Childs Ercall, Shropshire (09/00292/MAW) (Pages 5 - 40)

Change of use of existing warehouse to form an in-vessel composting demonstration facility

6 Oswestry School, Upper Brook Street, Oswestry, SY11 2TL (18/04978/FUL) (Pages 41 - 58)

Additional car park, modifications to highway access from Upper Brook Street and works to improve highway safety

7 Lee Old Hall, Lee, Ellesmere, Shropshire, SY12 9AE (18/05711/FUL) (Pages 59 - 70)

Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building

8 Lee Old Hall, Lee, Ellesmere, Shropshire, SY12 9AE (18/05712/LBC) (Pages 71 - 82)

Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building

9 Former Swan Public House Car Park, Nantwich Road, Woore, Shropshire (18/05854/FUL) (Pages 83 - 98)

Redevelopment of site comprising retention of bowling green, provision of dedicated car parking for bowling club and erection of four dwellings including access

10 Appeals and Appeal Decisions (Pages 99 - 140)

11 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday, 30th April 2019 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

North Planning Committee

2nd April 2019

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 5 February 2019

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

2.00 - 2.37 pm

Responsible Officer: Emily Marshall

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

Present

Councillor Paul Wynn (Chairman)

Councillors Roy Aldcroft, Gerald Dakin, Pauline Dee, Rob Gittins, Roger Hughes, Vince Hunt (Vice Chairman), Mark Jones, Paul Milner and Peggy Mullock

58 Apologies for Absence

There were no apologies for absence.

59 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 11th December 2019 be approved as a correct record and signed by the Chairman.

60 Public Question Time

There were no public questions, statements or petitions received.

61 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.

62 Proposed Dwelling East of Lea Hall Farm, Lee, Ellesmere, Shropshire (18/05140/OUT)

The application was withdrawn by the applicant before consideration by the Committee.

63 Sandy Lane Farm, Hillside, Prees, Whitchurch, Shropshire (18/04937/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 for the installation of a 23.8m wind turbine (31.6m to blade tip) and associated infrastructure 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.

Councillor Mark Jones joined the meeting.

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 then moved to the back of the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- There were no objections to the application;
- The proposal would provide renewable energy for the farm and contribute to the reduction of greenhouse gases;
- He fully supported the application.

Mr Anthony Ford, the Landowner spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate, Members carefully considered the benefits that the proposal would bring in terms of providing renewable energy, farm diversification and noted that landscape and visual impact would be minimal. Members considered that these benefits outweighed the guidance given in footnote 49 of paragraph 154 of the National Planning Policy Framework (NPPF) regarding the acceptability of wind energy development in areas that have not been identified as suitable for wind energy in the Development Plan, particularly given that the Council's Development Plan did not, as yet identify any such areas. Members commented that the Development Plan needed to be updated to reflect the recent amendment to the NPPF.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the proposal, contrary to the officer's recommendation.

RESOLVED:

That planning permission be granted, contrary to the officer's recommendation, for the following reason;

On balance the Committee gave greater weight to the general support for renewable energy development, as set out in the NPPF and the Development Plan, and the overall benefits of the proposal in terms of diversification of the farming enterprise, and less weight to footnote 49 of paragraph 154 of the NPPF regarding the acceptability of wind energy development in areas that have not been identified as suitable for wind energy in the Development Plan, particularly given that the Council's Development Plan does not, as yet identify any such areas.

And subject to the conditions outlined by the Planning Officer, the exact wording of which to be delegated to the Head of Planning Services.

64 Land North of Crinan Blakeley, Stanton Upon Hine Heath, Shropshire, SY4 4ND (18/03419/FUL)

The Principal Planning Officer introduced the application for the erection of a local needs affordable disabled access bungalow 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 contained additional comments and recommended conditions from Shropshire Council’s Planning Ecologist.

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 in accordance with the Officer’s recommendation, subject to;

- The conditions set out in Appendix 1 of the Officer’s report and set out in the Schedule of Additional Letters; and
- The signing of a Section 106 agreement to ensure the dwelling remains as an affordable dwelling in perpetuity.

65 Appeals and Appeal Decisions

RESOLVED:

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

66 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, 5th March 2019, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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Committee and Date

North Planning Committee

2nd April 2019

Item

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: 09/00292/MAW

Parish: Childs Ercall

Proposal: Change of use of existing warehouse to form an in-vessel composting demonstration facility

Site Address: Hangar 3 Eaton Road Childs Ercall Shropshire

Applicant: In-Vessel Composting Limited

Case Officer: Kelvin Hall

email: planningdmne@shropshire.gov.uk

Recommendation: That, notwithstanding the previous resolution of Members to grant planning permission subject to conditions and a Section 106 legal agreement, planning permission be **refused** as it has not been possible to complete a satisfactory Section 106 legal agreement which is necessary in order to make the development acceptable in highway terms.

REPORT

1.0 INTRODUCTION

1.1 At its meeting on 24th May 2011 the North Planning Committee resolved to grant planning permission for the above proposal subject to planning conditions and the applicant entering into a Section 106 Legal Agreement. The Committee report is attached as Appendix 1, and the Committee's resolution was:

1.2 *That planning permission is granted subject to the conditions listed at the end of this report, and subject to the applicant completing a Section 106 Unilateral Undertaking to provide for the following:*

- *Routing Agreement – to require all HGVs associated with the delivery of waste materials to only use an agreed vehicle route between the A41 and the airfield, avoiding Childs Ercall.*
- *Traffic Management Plan – to include a commitment by the applicant to restrict HGV movements on the local highway network associated with the development; to control the usage of each access to the airfield to specific*

vehicle types and intended destination; to impose time constraints on vehicle access and egress to avoid busy periods/ peak morning and afternoon periods.

- 1.3 Since that time discussions have taken place between Officers and the applicant's representatives to seek to agree an acceptable Section 106 agreement. A draft Section 106 agreement has been prepared by the Council's legal team. It is expected that the signatories to the agreement would be the landowner, the site operator and Shropshire Council, in accordance with normal practice. Officers have requested information from the applicant which is necessary in order to progress the legal agreement. This information has been awaited for a significant length of time. Officers have raised concerns with the applicant over the delay and have requested evidence that meaningful progress is being made on the matter. Officers do not consider that satisfactory evidence has been forthcoming, and there has been no correspondence from the applicant or their representatives for more than ten months. No information has been provided by the applicant as to what their timetable is for providing the required information. Given the time that has elapsed since the original resolution of Members, and the lack of progress that has been made, Officers consider that the matter should now be brought to a close.
- 1.4 The Section 106 legal agreement is considered necessary to provide an acceptable level of control over traffic routing and traffic management measures in order to prevent the development from giving rise to adverse highway safety and local amenity impacts. It has not been possible to secure an acceptable Section 106 agreement within a reasonable period of time.
- 1.5 Since the application was considered by the North Planning Committee there have been a number of changes to planning policy and guidance which are relevant to the proposal. In particular:
- the National Planning Policy Framework has been published;
 - the Regional Spatial Strategy for the West Midlands has been revoked;
 - a number of Planning Policy Statements (PPS) and Planning Policy Guidance notes (PPG) have been cancelled, including PPS1, PPS4, PPS23 and PPG13;
 - Planning Practice Guidance notes have been published;
 - the SAMDev Plan has been adopted (2015).
- 1.6 Officers have re-assessed the proposal against these changes to the Development Plan, national policy and guidance. In the absence of the Section 106 agreement, Officers consider that the proposal would be contrary to Core Strategy policy CS6 which requires that all development is designed to be safe and accessible, and SAMDev Plan policies MD2 and MD8 which requires that development should only take place where there is sufficient existing infrastructure and capacity. It is not considered that there are any other policies or material considerations which would outweigh this conflict with these policies. As such Officers recommend that planning permission should be refused.

2.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

2.1 Risk Management

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

- ② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- ② The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose 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.

2.2 **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.

2.3 **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.

3.0 **FINANCIAL IMPLICATIONS**

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

4. Additional Information

List of Background Papers

09/00292/MAW - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder) - Cllr R. Macey

Local Member - Cllr Rob Gittins

Appendices:

APPENDIX 1 – COMMITTEE REPORT 24th MAY 2011



<u>Committee and Date</u>
North Planning Committee
24 th May 2011

<u>Item/Paper</u>
7
Public

Development Management Report

Application Number: 09/00292/MAW

Parish: Childs Ercall

Grid Ref: 366626 - 323444

Proposal: Change of use of existing warehouse to form an in-vessel composting demonstration facility

Site Address: Hangar 3 Eaton Road Childs Ercall Shropshire

Applicant: In-Vessel Composting Limited

Case Officer: Kelvin Hall **email:** planningdmc@shropshire.gov.uk

1.0 THE PROPOSAL

- 1.1 The planning application proposes the adaptation of a former aircraft hangar, weighbridge and office to an In-Vessel composting facility for the composting of waste materials. The primary aim of the proposal is to function as a demonstration facility to showcase the aerobic in-vessel composting technology to the waste industry. Compost would be provided to local farms to add organic matter and nutrients to farmland.
- 1.2 Works to the buildings would include selective cladding and refurbishment. An internal enclosure would be constructed within the hangar, bolted onto the hangar framework. Wastes would be unloaded from vehicles within this enclosure. WC and rest room facilities for employees and visitors would be provided at an adjacent building.
- 1.3 Imported waste materials would be composted in sealed rotating drums within the hangar building. Waste types to be composted would include: green waste and catering waste from municipal collections, food manufacture/preparation catering waste that contain meat or that come from premises handling meat. Other wastes may include sewage cake, effluent treatment sludge cake, paper/cardboard, chipped wood. The facility would compost a maximum of 25,000 tonnes of waste per year.
- 1.4 Proposed process
Weighing of wastes would be undertaken at the weighbridge. All other processes would take place within the hangar, and would comprise:
- inspection of waste to identify and remove any contaminants

- shredding and mixing of wastes
- loading of wastes into enclosed composting vessels via conveyors
- sorting and screening of composted waste using a trommel
- formation of composted materials into long piles (windrows) for maturation
- relocation of matured compost to loading area in readiness for collection

1.5 The enclosed vessels allow for the control of moisture content, temperature and exposure of the material to air. The waste would be composted for between 3 and 6 days, on a continuous basis. The system allows for heat generated as part of the process to be re-used, and for moisture content of wastes to be reduced. In addition foul air from the composting process would be passed through a biofilter to reduce odour.

1.6 Access and traffic

The primary vehicle access to the hangar would be via an existing access track that is located to the north-east which would be improved through the construction of passing places. The secondary access would be the existing main access into the airfield, to be used by staff cars and a small proportion of tractors delivering compost out to farmland in that direction.

1.7 It is estimated that there would be 5.2 heavy vehicles to the site per day (10.4 movements). These vehicles would comprise lorries delivering waste and collecting compost, and tractor/trailers collecting compost. The applicant states that this is a worst case scenario and assumes that separate vehicles would collect compost, whereas in practice the applicant expects that delivery vehicles would leave the site full of compost. Other vehicles would be associated with staff and visitors, comprising approximately 4 vehicles per day.

1.8 The proposed development does not fall within the requirements for formal Environmental Impact Assessment, however the application details specific controls that would be imposed on operations to mitigate against land-use impacts.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located at Peplow Airfield, approximately 10km north of Telford and 11km south of Market Drayton. The proposed composting facility would utilise one of the former aircraft hangar at the Airfield, together with an adjacent weighbridge, office, hardstanding and toilet block. The hangar is currently vacant however the existing permitted use is for storage.

2.2 The hangar is located at the south-eastern side of the airfield, approximately 1km to the north-east of the village of Eaton upon Tern, and approximately 1.3km to the south of the village of Childs Ercall. The nearest residential property to the site is Dodecote Grange, approximately 750 metres to the east.

2.3 The hangar measures approximately 75 metres long x 37 metres wide x 12 metres high, and is constructed of black corrugated steel.

2.4 The airfield lies within a generally flat, open landscape with occasional trees and copses associated with some field boundaries. Land at the airfield and surrounding areas is generally in agricultural use. Other buildings and uses at the airfield include vehicle storage, poultry sheds and model aeroplane flying.

2.5 The nearest public right of way is a footpath approximately 130 metres to the south. Another footpath crosses the existing access track proposed to be used, at a point approximately 850 metres to the north-east of the application site.

3.0 RECOMMENDATIONS

3.1 That planning permission is granted subject to the conditions listed at the end of this report, and subject to the applicant completing a Section 106 Unilateral Undertaking to provide for the following:

Routing Agreement – to require all HGVs associated with the delivery of waste materials to only use an agreed vehicle route between the A41 and the airfield, avoiding Childs Ercall.

Traffic Management Plan – to include a commitment by the applicant to restrict HGV movements on the local highway network associated with the development; to control the usage of each access to the airfield to specific vehicle types and intended destination; to impose time constraints on vehicle access and egress to avoid busy periods/ peak morning and afternoon periods.

4.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

4.1 The application does not fall within the criteria of the Delegation Scheme as more than six representations from the public have been received.

5.0 RELEVANT PLANNING HISTORY

5.1 There are no records of any previous planning decisions relating to waste management at the site.

5.2 A Certificate of Lawfulness was issued in 1997 confirming that the use of the hangar (and an adjacent hangar) for storage under Use Class B8 was lawful. This Certificate effectively confirms that the existing permitted use of the hangar is for storage or distribution.

5.3 The application is accompanied by signed declarations (made in 1997 in support of the application for a Certificate of Lawfulness) confirming that the hangar has been used for storage between 1960 and 1995. The items stored have included aircraft, vehicles, vehicle parts, and industrial equipment and components, potatoes, and meat and bone meal waste.

5.4 Decisions relating to land in the vicinity of the application site including the following:

- NS/04/00433 – proposed continued use of airfield for flying model aircraft, permitted 2004
- NS/05/00317 , 00318 & 00319 – erection of units for free range egg production at airfield (sites located approximately 400m to the south-west of the hangar for proposed composting), permitted 2005

6.0 CONSULTEE RESPONSES

6.1 **Childs Ercall Parish Council** Strongly object to the proposal. The Parish Council's concerns comprise:

- approach roads to the site, including route from A41, in unacceptable state of repair, have several hazardous areas including the bridge over Alford Brook; have no proper foundations and unsuitable for the amount of heavy goods

vehicles which already travel through the village to the storage areas on both old airfield sites; roads not properly maintained

- level and type of traffic is totally unacceptable
- properly constructed passing places should be made to allow large lorries to pass without needing to flatten the grass verges and water gullies which in turn cause flooding and excessive amounts of mud whenever it rains
- lorries travelling to the site will have to pass the parish playing field which has three entrances and a play area used by children of all ages [this comment was made prior to the modification of the access proposal that would result in vehicles avoiding travelling past the playing field]
- impact on other local road users including horse riders, cyclists and walkers
- proposal would involve a continuous process as opposed to the intermittent traffic involved with the present storage use
- traffic movements associated with water transport have not been included
- concerns over environmental issues, smell, flies and noise etc. In recent times, was great distress to residents by flies and odour from waste spraying by Enviroclear.
- concerns over technology to be used – relatively untested; low quality
- dust from vehicle movements and composting operation
- potential health risks and pathogens: vermin; scavenging birds; litter
- impact on public footpath
- impact on current eco-structure and wildlife balance
- justification for choice of site
- no list of waste sources, or farmholding destinations
- no details of de-packaging of wastes
- lack of contingency plans if plant breaks down
- proposed type of facility has not been fully implemented anywhere else and should therefore be treated with the highest and most stringent reservations
- lack of business agreements exist for the collection of waste material will increase collection journeys or require many smaller deliveries to the site
- lack of free flowing water supply to the unit
- impact on health from bio-aerosol emission containing bacteria, spores and fungi
- research that other sites have harmed the health of residents
- impact on users of public footpaths, HGV crossing footpaths would make them unusable
- restrictions on routing cannot be effectively policed
- Committee should attend a similar in-vessel site
- impact on culverted stream (Alford Brook)
- application not clear regarding sewage disposal; query what system exists on site and if it is a septic tank how will the soakaways be dealt with near to a watercourse and also in a proven flood risk area
- end product will be classed as waste as will not meet PAS100 standard, therefore waste will be spread on land
- impact on any protected species
- recent house building in the village has greatly increased the population and inevitably the number of cars travelling the roads which is very different to the number of vehicles using the roads when previous users of the hangar were travelling to site
- concern over how routing would be monitored if permission granted

- need for facility is questioned as a compost facility has recently opened at Harper Adams College at Edgmond; query whether there will be sufficient local farmers willing to take the compost
- this facility would be better suited on a site closer to an 'A' road or motorway
- un-answered questions from the public meeting shows that this new venture and experiment is far too risky to approve

6.2 **Stoke on Tern Parish Council (adjacent parish)** Concerns raised regarding: the amount of traffic leaving the site, and the fact that fields would not be cleared less than 2 weekly intervals. Query whether there would be noise from the extractor fan.

6.3 **Waters Upton Parish Council (adjacent parish within Telford and Wrekin Council area)** Strongly object to the application.

- road layout and the infrastructure in the area includes narrow roads with many bends - most of them severe, blind corners, no footpaths and very poor road conditions; few passing places and nowhere where two lorries can pass without mounting verges or damaging hedges; even the roads of the preferred route are narrow with blind bends and few passing places
- proposed level of traffic is more than roads can cope with
- supporting statement contains many inaccuracies, eg. that the site is relatively central in the country and is close to the M6 motorway which links to most of the major centres of population and industry in the country; easily accessible to customers from Europe through international airports; this proves that Childs Ercall is most certainly not a suitable location for such a facility
- proposal does not comply with Policies P67 or P68 of the Waste Local Plan
- facility could be extended from a demonstration project in the future;
- has been extensive damage to the roads, verges and bridges in the area; concern whether bridges and roads can cope with heavy goods vehicles
- facility would be better suited at a location close to A roads and motorways
- lack of confidence that routing will be adhered to; satellite navigation equipment will send lorries and cars down inappropriate roads
- collection of compost by tractor for distribution on local fields will mean more visits dangerous road conditions and further detrimental effects
- traffic movements underestimated – water tanker; disposal of rubbish; haulage contractors
- odours / air pollution / emissions / foul water management / pests / vermin and water pollution will all have a detrimental affect on the locality and will impact greatly on the quality of life for local residents.
- fields and roads cannot cope with more disposal of foul water
- the alarm proposed may affect the local residents' quality of life and the enjoyment of their property and garden
- will leave little times of peace, with the continuous operation and the deliveries / collections all day and evenings for 6 days a week
- disposal of waste by tractors will take place outside of the above hours so we can expect that this will be evenings and all weekend.
- concern over how packaging from wastes will be dealt with if waste from supermarkets in brought in

6.4 **Environment Agency** No objections. Operations at the site and measures to prevent pollution will be regulated by the Environmental Permit (EP).

Flood risk: The Agency does not consider that flood mitigation measures are necessary given that the development is within Flood Zone 1 ('low probability' risk of flooding).

Part of the access to the site lies within Flood Zone 3 (where there is a 1 in 100 or greater annual probability of river flooding). Any flooding of the access track to the composting facility would be for a short period of time only and unlikely to be to any significant depth. Whilst this is a residual/operational risk the Agency does not raise an objection, especially given that the proposal is defined in PPS25 as 'less vulnerable' development.

Drainage: It is noted that the building will be self-contained and that all waste water will be tankered off site. The Agency requests that the applicant minimises any risk to groundwater and surface water from the impact of organic liquids generated as part of the process or as a consequence of storage of products. There should be no risk of spillage to ground or surface water when waste is transferred from storage to tanker.

The Agency requests that the applicant sites the proposed composting facility on impermeable hard standing and that it is drained to a sealed pump, which is emptied regularly. Should a sump be used to collect composting pad drainage, the applicant must ensure that it is sealed/impermeable and that it has the capacity to contain all the water from the pad in storm conditions.

There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

The Agency notes that the applicant intends to discharge foul water through an existing septic tank and to soakaway. This is acceptable on the assumption that there is no access to mains foul sewer. It is noted that there will be no additional demand placed upon the existing arrangement.

Odour: The Agency would normally require a bio-aerosol assessment where there is a workplace or dwelling within 250m of any composting site boundary. In this case it is noted that the facility is a considerable distance from any 'receptor' ie. Dodecote Grange 700m to the east, and depots 700m to the west.

Notwithstanding the above the Agency notes that the applicant has put measures in place, including having air within the hangar under negative pressure and passed through a bio-filter before being released in the external atmosphere. Airborne emissions have been afforded the same process.

Pollution prevention: The Agency advises that pollution prevention measures should be incorporated to protect ground and surface water.

Further guidance is provided in relation to the Agency's controls over spreading of composted material onto farmland.

6.5 **Councillor S Bentley, Borough Councillor for Ercall Magna Ward (Telford and Wrekin Council area)** Representation made on behalf of Waters Upton Parish Council, as the elected representative on the Borough of Telford and Wrekin Council. Also Telford & Wrekin's Cabinet Member for Environment and Planning.

- application does not meet with satisfactory justification
- applicant's comments regarding proximity to M6 junctions Birmingham, Liverpool, Manchester airports being accessible needs considerable examination
- Members should be aware of geography of area: rural; basic infrastructure; many major routes no more than narrow lanes; heavy vehicle accessibility difficult

6.6 **Telford and Wrekin Council (TWC) (adjacent planning authority)** No objections.

As the highway authority for part of the proposed vehicle route to the site from the A41, TWC had formerly advised that the application is acceptable subject to the highway between the site access and the A41 being sufficiently improved to accommodate the new vehicle movements associated with the site. TWC stated that its on site measurements and observations identify that passing bays are few, poorly formed at times with little or no hard surfacing and that overall road widths at these points would also struggle to accommodate the comfortable passing of a domestic type vehicle and 28 tonne tipping arctic.

TWC requested that the applicant submits details of road improvements to demonstrate that these are viable and achievable within the public highway. TWC also stated that it would support any planning condition that restricts the material input to the facility of 25,000 tonnes per year.

Following on from the applicant's confirmation that no road improvements are being proposed as part of the application, TWC advised that it is a shame the applicant does not see an opportunity to improve the highway access to the site which would also go some way to mitigating local concerns and provide a better access, particularly as it is proposed as a showpiece demonstration facility.

In conclusion TWC have stated that, considering the extant use of the site these are improvements that TWC as the Highway Authority cannot insist on as part of the planning application and TWC would be in no strong position to defend at appeal if the application is refused on highway grounds. On this basis, TWC confirmed it can make no objections to the proposals.

6.7 **SC Public Protection** No objection in principle to the proposed development, subject to imposition of condition requiring that litter arising from the activities shall be cleared from outside the hanger buildings on a daily basis and more frequently in periods of high winds, in order to safeguard the amenities of the adjoining premises and the area generally.

6.8 **SC Highways Development Control** No objections.

6.8.1 The proposal seeks permission for the adaptation of a former aircraft hangar, weighbridge and office for an In-Vessel composting facility for the composting of

waste materials. It is however understood that the primary aim of the proposal is to function as a demonstration facility to showcase and market the In-Vessel composting technology to the waste industry and potential customers of the equipment.

- 6.8.2 As part of the highway impact assessment of this application it is necessary to have a full understanding of the current and permitted use of the hangar facility as this has a significant bearing and is a material consideration to the highway authority's ability to control the development of the site in its role as advisor to the planning authority. In this regard it has been established and accepted that the building has unrestricted use as a B8 storage and distribution facility. Evidence has been submitted by a number of operators who have at some time occupied the building and this therefore provides further support to the planning status of the building. It is however noted that some of those operators occupied the external storage areas. The current proposal indicates that the composting facility is confined to the building and that the external areas will be used for the parking of vehicles only. This therefore could be controlled by planning condition.
- 6.8.3 Notwithstanding the primary aim of the proposal to establish a demonstration facility the applicant has requested a 25,000 tonnage importation level. This represents a significant waste importation level based upon an operation for which the primary objective is to showcase and market the composting equipment. It is recognised that there are financial running costs which may impact upon the viability of the facility but it does raise the question as to whether this is the appropriate location to establish a composting facility in terms of where the source material is collected. This is difficult to properly assess since contracts would not be established unless or until planning permission is granted
- 6.8.4 It is understood that the waste material is to be brought to the site by the applicant and the matured compost would be supplied to local farms. The applicant estimates within supporting information that, on average, 5.2 heavy goods vehicles (10 vehicle movements) would be generated. This would comprise of lorries first leaving the site and collecting the raw waste material to be brought back to the site for composting. This figure also includes tractor / trailers delivering or collecting compost to be taken to the various farm holdings. Whilst there is no reason to dispute these figures it would be appropriate to impose vehicle number restrictions upon the facility, which is common practise when dealing with waste type operations. On the basis of the 5.2 figure quoted it is suggested that an average daily figure of the 6 vehicles (12 vehicle movements) would be appropriate with a maximum figure of 8 vehicles (16 vehicle movements) on any one day. The average figure could be based upon a monthly recording regime and ceiling level which would be supplied to the planning authority on request.
- 6.8.5 The application has raised significant representations by the local parish council and local residents having regard to the adequacy of the local highway network to cater for the type and volume of vehicles likely to be generated by the proposed composting waste facility. The highway authority fully acknowledges the deficiencies of the suggested route to the site from the A41. There is clear evidence of verge erosion and carriageway damage along the identified hgv

route and the width constraints in places. These issues were raised with the applicant during a public meeting held last year. The applicant has however responded that whilst acknowledging the deficiencies of the local highway network they consider that this is the province of the highway authority in its capacity as the maintenance authority. The applicant supports this assertion on the basis that the current hangar building, with established an B8 storage and distribution use, has no restrictions on the number and type of vehicles that could legitimately be generated by a commercial operator. The highway authority considers this a disappointing response and stance being taken by the applicant. However, as stated previously, the highway authority's ability to require road improvements or maintenance contributions from the applicant, as part of this development proposal, is limited and constrained by virtue of the established planning use of the building. This position has also been acknowledged by highway officers at Telford and Wrekin Council having regard to lengths of the highway network that come under their responsibility as the highway authority.

6.8.6 As part of negotiations with the applicant an alternative access route into the site, from the identified highway route to the A41, has been proposed by the applicant and has, it is understood, been agreed by the landowner. This allows waste collection vehicles routing via the A41 and tractors and trailers delivering compost to neighbouring land holdings to avoid having to travel through the village of Childs Ercall. It is accepted however that there would be occasions where tractors and trailers delivering compost from the site would need to utilise the current access dependant upon where the farm holdings are located. Principally this would relate to land holdings to the west of the site. Again this element could be controlled within a Section 106 Agreement which secured vehicle routing relating both to the importation of waste material and the delivery of matured compost.

6.8.7 Having regard to the foregoing the highway authority does not consider a highway objection to be sustainable in respect of the current development proposal. Moreover it is considered that the established planning status of the site would be likely to be a compelling factor in the event that Members were minded to refuse this application on highway related grounds and the application went to appeal. It is acknowledged also that this application proposal does allow a degree of control to be exercised by the planning authority in connection with the waste activity which currently is not the case. The highway authority therefore does not wish to raise an objection to planning permission being granted subject to the imposition of planning conditions and / or Section 106 Planning Obligation to cover the following items:

- A hgv routing agreement in respect of the delivery of waste material to be composted via the A41 and in addition the routing of compost laden vehicles to and from the site via the 2 identified access points serving the site.
- The submission for approval in respect of the access points serving the site, to include improvements to the access points and future maintenance thereafter.
- To restrict all compost operations to be contained fully within the building and to be no outside storage other than for the parking of vehicles solely connected with the waste facility operation.
- To limit the average daily movements of waste collection vehicles and compost delivery vehicles, over a one month period, to 12 with an upper limit

of 16 on any one day. Daily records shall be kept of vehicle movements connected with the waste operation and these should be made available to the planning authority upon request.

- To submit for approval a Traffic Management Plan which includes a commitment by the waste operator to restricts hgv vehicle movements on the local highway network, connected with the waste facility, to operate outside of the peak morning and afternoon periods.

6.9 **SC Countryside Access Team** Two Public Rights of Way (PROW) run close to this development. FP 0227/23/1, runs to the south of this proposal, and seems to be at a reasonable distance from the hangar to be unaffected.

The vehicular access to the north of the hangar crosses FP 0205/22/2. The public rights take precedence over the private use of the vehicular access, and some measure to warn pedestrians of traffic, and drivers of pedestrians is required, such as signs, road markings, etc.

The developer will be required to maintain the surface of the PROW around the access to keep the PROW safe at all times for the public to use.

6.10 **SC Historic Environment Officer** No archaeological action required.

6.11 **SC Tree Officer** No comments.

6.12 **SC Planning Policy** The Waste Local Plan site allocation policies remain in force following the adoption of the Core Strategy. The site does not fall within one of the 'Broad Locations' for waste management sites in new Policy CS19, but the principle of the proposed use is consistent with many of the key objectives of Policy CS19.

The development of additional capacity to divert Commercial and Industrial waste away from landfill is generally welcome, and dealing with imported waste materials would help us to demonstrate progress towards the principle of 'equivalent self sufficiency' which seeks to establish additional waste processing capacity to offset exports of waste for landfill in eg. Telford or further afield. Consideration of the potential for energy recovery as part of the proposed process, eg. to offset on site consumption or to supply heat to Childs Ercall would demonstrate consistency with CS6 Sustainable Design and Development Principles; surprised no mention of odour control measures.

6.13 **Fire Officer** No comments received.

7.0 PUBLIC REPRESENTATIONS

7.1 The application has been advertised at the site boundary and in the local press in accordance with statutory procedures. In addition, neighbour notification letters were distributed to 36 residential properties and businesses in the local area.

7.2

Arising out of the consultation process, the Parish Council and some residents requested a meeting so that the proposals could be discussed in greater detail. A public meeting was held in Childs Ercall on 16 March 2010. This was attended by representatives of Parish Councils, the local Member, representatives of the

applicant, the applicant's agent, Planning and Highways Officers and approximately 100 local residents.

7.3 107 representations have been submitted, from 80 residents, either objecting or expressing concern over the proposal. In addition a petition has been received, signed by 19 residents who oppose the proposal.

7.4 Areas of support

- potential 'green' initiative to be welcomed, but only if the mechanics and controls of the system work
- proposal is supported if access can be restricted to and from A41

7.5 Reasons for objection / areas of concern

Traffic

- traffic assessment under-estimates traffic levels; does not take into account all traffic including, eg. personnel, contractors, water tanker deliveries and exports, visitors, municipal vehicles delivering waste products, vehicles to designated field sites, service/maintenance vehicles, rubbish collection etc.; estimates should be increased by 33%-50%
- impacts from increased traffic on local residents; children as main route is by entrances to playground where there are no footpaths; equestrian people as local stables in area and use roads to access bridle paths; heavy traffic through Childs Ercall; impact on Listed Building and trees
- narrow access roads with blind bends; damage to roads; unsuitable passing places; dangerous potholes; very slippery when wet or icy
- increased risk of accidents from traffic; and due to inadequate street lighting
- other hangars on airfield only have intermittent traffic whereas proposal would have up to 18 vehicles per day, 6 days per week
- recently built housing and shop in village will elevate vehicle numbers
- foreign drivers using navigation systems will be mis-directed into the village
- creation of dust, disturbance, pollution from lorries and tractors
- some local roads subject to flooding; flood prevention measures required
- road improvements and passing places required; roads not properly maintained or lit
- routing restriction will not be adhered to or properly enforced
- traffic lights required at Standford Bridge crossroads
- has to be a point at which planning committee accept the limitations of the roads and lanes in the area; the argument that "there is a precedent because HGVs already use them" has to be put aside
- bill from any traffic collisions will fall to the Council
- Location:
 - lack of need;; alternative sites available; should be located on landfill site
 - requires location adjacent to primary roads
 - impact on tranquillity
 - previous hangar use irregular only
 - building not fit for purpose; runway should be preserved as memorial to our war years and not eroded by traffic and covered by waste
- Waste types/ technology/ process
 - concern over type of waste to be imported; waste sources not clarified; technology not properly tested; bigger than required for demonstration facility; odour treatment may be ineffective; process time too short to be effective, to

control odour

- unclear how waste will be collected
- concern over security/management of composting wastes/ decommissioning if operation fails
- working hours excessive
- would open up area to future commercial/ industrial development, extensions
- impacts on air pollution, airborne spores and fungi causing respiratory problems; risk of pathogens; nitrate run-off; risks from spillage from lorries; pollution from water run-off/truck washing; impact on water table; increased acidification and eutrophication due to increased nitrogen
- odour impact from waste containing meat and sewage; Childs Ercall downwind of site; ineffectiveness of biofiltration system
- noise from plant and vehicles; Childs Ercall downwind; cumulative noise impact with daily helicopters; constant drone of fans from chicken sheds; daily flying of model aircraft
- flies from storage of product on fields; would attract rats
- Corby Toxic Waste Contamination Ruling (2009) states that proper risk assessment is required to identify and deal with any potential contamination
- domestic water supplies are from boreholes and proposal will increase risk of contamination of groundwater
- impact on Shropshire Groundwater Scheme next to hangar
- concern over fire risk, given recent fire at a composting site at Market Drayton; impact from waste water or fire-fighting water on borehole water on which Eaton on Tern residents depend
- Use of compost
- previous problems from land spreading will continue
- concern over vapours and pathogens from the rotten compost being left by farmers on the fields
- pollution from spreading of waste material that is not properly composted
- uncertainties over where compost will be delivered and spread
- General
- no benefits to local residents, jobs or monetary
- decision maker should sign statement accepting responsibility for decision
- application form has been filled in incorrectly, and that advertisement, publicity and notification procedures have not been undertaken correctly
- no Environmental Impact Assessment has been carried out

8.0 **PLANNING POLICY**

8.1 The Development Plan for the area in question comprises the Regional Spatial Strategy for the West Midlands, the Shropshire Core Strategy and the saved policies of the Shropshire and Telford & Wrekin Joint Structure Plan, the North Shropshire Local Plan and the Shropshire Waste Local Plan.

8.2 **Regional Spatial Strategy**

The Government has stated that it intends to abolish Regional Strategies as part of the Localism Bill. A High Court judgment has confirmed that the intended abolition is a 'material consideration' to be taken into account when making planning decisions. It is considered therefore that less weight should be given to the policies of the Strategy in decision making. Policies of the Regional Spatial Strategy of relevance to the proposal include:

- Policy PA14 (Economic Development and the Rural Economy) - supporting

- sustainable diversification and development of the rural economy;
- Policy QE1 (Conserving and Enhancing the Environment) – supporting regeneration including the reuse of redundant and under-used buildings of merit;
- Policy QE2 (Restoring degraded areas and managing and creating high quality new environments) - promoting the reuse of buildings;
- Policy QE3 (Creation of a high quality built environment for all);
- Policy QE6 (The conservation, enhancement and restoration of the Region's landscape);
- Policy QE7 (Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation Resources);
- Policy QE8 (Forestry and Woodlands) – to maintain and enhance landscape character;
- Policy QE9 (The Water Environment) – to reduce the risk of pollution especially to vulnerable surface and groundwater;
- Policy WD3 (Criteria for the location of Waste Management Facilities) – setting out criteria for location of waste management facilities, to have regard to the proximity principle, to consider the potential advantages of small-scale facilities that are more easily integrated into the local setting.

8.3 **Shropshire Core Strategy**

- Policy CS1 (Strategic Approach) – development will be located predominantly in community hubs and clusters. Outside these settlements, development will primarily be for economic diversification and affordable housing
- Policy CS4 (Community Hubs and Community Clusters) – communities to become more sustainable, including: focusing investment in rural areas into community hubs and clusters, not allowing development outside these settlements unless it meets policy CS5
- Policy CS5 (Countryside and Green Belt) – development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specific proposals, including small-scale new economic development diversifying the rural economy (development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where appropriate); agricultural related development; the retention and appropriate expansion of an existing established business; the conversion or replacement of suitably located buildings for small-scale economic development/ employment generating use; conversion of rural buildings which take account of and make a positive contribution to the character of buildings and countryside, with regard to PPS4 and giving equal priority to uses including: small-scale economic development/ employment generating use, and other uses appropriate to a countryside location
- Policy CS6 (Sustainable Design and Development) – development to be designed to a high quality using sustainable design principles; development likely to generate significant levels of traffic to be located in accessible locations; protects, restores, conserves and enhances the natural, built and historic environment, appropriate in scale, density, pattern and design; contributes to the health and wellbeing of communities, including safeguarding residential and local amenity; high quality design with

appropriate landscaping; makes effective use of land and safeguards natural resources; capacity and availability of infrastructure

- Policy CS7 (Communications and Transport) – to reduce the impact of transport; protect and enhance public rights of way networks
- Policy CS13 (Economic Development, Enterprise and Employment) – to develop and diversify the Shropshire economy, support enterprise and seek to deliver sustainable economic growth and prosperous communities; supporting rural enterprise and diversification of the economy, including that associated with agricultural and farm diversification
- Policy CS17 (Environmental Networks) – to protect and enhance the diversity, high quality and local character of the natural, built and historic environment; avoiding adverse impact on environmental assets
- Policy CS18 (Sustainable Water Management) – to integrate measures for sustainable water management; development to include appropriate SUDS to manage surface water, and to enhance and protect water quality
- Policy CS19 (Waste Management Infrastructure) – encouraging proposals for additional capacity to divert waste away from landfill in a way consistent with the waste hierarchy and national, regional and local policies and strategies, including the principle of ‘equivalent self-sufficiency’ and an allowance for cross boundary waste flows

8.4 **Structure Plan (‘saved’ policies)**

- Policy P67 (Environmental Considerations), requiring demonstration that proposals for waste management development will have no unacceptably adverse impact on interests of acknowledged importance, including people and local communities, landscape character, the historic environment, wildlife and water resources

8.5 **North Shropshire District Local Plan (‘saved’ policies)**

The site is unallocated in the North Shropshire Local Plan.

- Policy D6 (Control and Design of Extensions) – extensions and alterations of buildings should be subsidiary in scale to the original building and respect the character of the property, its surroundings and amenities of adjoining properties

8.6 **Waste Local Plan (‘saved’ policies)**

- Policy 6 (Preferred Sites for Waste Transfer and Recovery Facilities) – identifying preferred sites for waste transfer and recovery;
- Policy 8 (Alternative Sites) – proposals for waste management development of sites not identified in the Plan will be permitted where developers can demonstrate to the satisfaction of the planning authority that:
 - the proposal would meet a need not provided for by the sites identified in the Plan; or
 - the proposal would not prejudice the development of the sites identified in the Plan where these remain available and suitable for the proposed development; or
 - the site is more acceptable than the sites identified in the Plan; and
 - the site complies with the other relevant policies of the Development Plan.
- Policy 14 (Enclosed Composting Facilities) - stating that proposals for enclosed or in-vessel composting facilities will be permitted in appropriate locations where such proposals comply with other relevant Development Plan

policies. The Policy states that such facilities may be suitable as a re-use of appropriate existing buildings or as part of an integrated waste management facility. The supporting text states that the re-use of existing buildings may be suitable in appropriate locations. In considering appropriate locations, consideration will be given to the end use of the compost and the proximity of the site to the market or users.

- Policy 25 (Development Control Considerations) - particular factors which will be given consideration when determining planning applications include: the protection of surface and underground water and flood risk; the need for foul sewage disposal in non-sewered areas; links between planning development control and other legislative requirements which are implemented by other bodies; proximity to sensitive land uses and any adverse cumulative effect; the likely generation of noise, vibration, odour, fumes, dust, litter, scavengers, and vermin and measures to alleviate these; hours of operation; transport, traffic and access issues; compatibility with adjacent development and visual intrusion; including the scale and design of the development in relation to its location and setting, other relevant policies of the Development Plan;
- Policy 27 (Transport Assessment) - where appropriate, proposals should be accompanied by a traffic impact assessment and will ensure: adequate site access for the volume and nature of traffic generated, no unacceptable safety hazards for other road users, traffic levels would not exceed capacity of the road network; adequate arrangements for on-site vehicle movements and parking, adverse impacts can be satisfactorily mitigated by routing controls or other highway improvements.

8.7 **Central Government Guidance**

8.7.1 Relevant national guidance includes the following:

PPS1 (Delivering Sustainable Development) – setting out key principles to be applied, including: need to take account of environmental issues such as pollution, contamination, and the need to improve the built and natural environment; and the management of waste in ways that protect the environment and human health, including using waste as a resource wherever possible.

8.7.2 PPS4 (Planning for Sustainable Economic Growth) – states that planning authorities should support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development (Policy EC6). Local planning authorities should approve planning applications for the conversion and re-use of existing buildings in the countryside for economic development, particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm in terms of: the potential impact on the countryside, landscapes and wildlife; local economic and social needs and opportunities; settlement patterns and the level of accessibility to service centres, markets and housing; the need to conserve, or the desirability of conserving, heritage assets; and the suitability of the building(s), and of different scales, for re-use recognising that replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion (Policy EC12).

8.7.3 PPS10 (Planning for Sustainable Waste Management) – to drive waste management up the waste hierarchy, address waste as a resource, looking to disposal as the last option; provide a framework in which communities take more

responsibility for their own waste; help implement the national waste strategy; support and complement other guidance and controls such as Waste Management Licensing Regulations; help secure the recovery of waste without endangering human health and without harming the environment; enable waste to be disposed of in one of the nearest appropriate installations; reflect the concerns and interests of local communities, the needs of waste collection and disposal authorities and business and encourage competitiveness; ensure the design and layout of new development supports sustainable waste management.

8.7.4 PPS10 advises that proposals on sites not allocated for waste management should be considered favourably when consistent with PPS10 policies and the Core Strategy. PPS10 site identification criteria include: the physical and environmental constraints on development, including neighbouring land uses; the cumulative effect of previous waste disposal facilities on the well-being of the local community; the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.

8.7.5 In identifying sites, priority should be given to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.

8.7.6 If the proposal is consistent with PPS10 and the Core Strategy there is no need to demonstrate the 'need' for the proposal.

8.7.7 PPS23 (Planning and Pollution Control) repeats the advice above regarding the planning and pollution control regimes, and sets out matters that may be material pollution considerations in determining planning applications. These include: the possible impacts of development on land use including effects on health, the natural environment or general amenity; the potential sensitivity of an area; the environmental benefits that a development might bring; the economic and wider social need for development; the possible adverse impacts on water quality; the possibility that emissions might be seriously detrimental to amenity; the objective perception of unacceptable risk to the health or safety of the public.

8.7.8 PPG13 (Transport) seeks to integrate planning and transport at the national, regional, strategic and local level. It states that, by design and layout of development, community safety and road safety should be sought.

8.8 **Waste Strategy for England 2007**

The Waste Strategy for England 2007 is a national level document that, together with PPS10, forms part of the system of waste planning in England. One of the key objectives of the Waste Strategy is to increase the diversion of waste from landfill. National targets include the recycling and composting of at least 40% of household waste by 2010, rising to 50% by 2020.

8.9 **Ministerial Statement: Planning for Growth**

8.9.1 In a statement in March 2011, the Minister of State for Decentralisation said that "there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth."

8.9.2 Additionally, the Minister stated:

* Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy

* When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.

9.0 THE MAIN ISSUES

It is considered that the main planning issues relevant to the proposal are:

- type of development proposed
- need for composting facility
- Waste Local Plan policy on 'preferred' sites
- acceptability of proposal in relation to permitted use of building
- site location issues: re-use of building; impacts on visual character
- technical and general residential amenity considerations
- water pollution and flood risk issues
- site access and traffic considerations
- landscape and ecological considerations
- socio-economic benefits

10.0 OFFICER APPRAISAL

10.1 Acceptability of proposed development type – national policy considerations

10.1.1 The proposed development would provide a facility for the composting of a wide range of waste materials, that may otherwise be landfilled, to produce a product for beneficial use on agricultural land. In principle, the composting of waste materials is supported by national and local planning policies as a sustainable means of waste management. In addition, an increase in the diversion of waste from landfill is one of the key objectives of the Government's Waste Strategy for England 2007. National targets include the recycling and composting of at least 40% of household waste by 2010, rising to 50% by 2020.

10.1.2 Additionally Policy 14 of the Shropshire Waste Local Plan gives in principle support for enclosed or in-vessel composting facilities in appropriate locations, subject to compliance with other relevant Development Plan policies. The proposal is also in line with Core Strategy Policy CS19 that encourages proposals for additional capacity that would divert waste from landfill where consistent with the waste hierarchy and other policies and strategies (PPS10; PPS1).

10.2 Justification for proposal in terms of need

10.2.1 Regional guidance identifies waste management capacity targets for different waste streams and indicates that there is a gap of about 150,000 tonnes/year between the capacity that was available at existing waste management facilities in 2007 and that which will be required by 2026. Core Strategy Policy CS19 states that sites will be allocated to address this gap. The Annual Monitoring Report 2008-2009 states that the available capacity to treat both municipal and business wastes currently exceeds regional target levels, but that this trend needs to be sustained if Shropshire is to meet national and regional targets in future years.

10.2.2

The Shropshire Core Strategy estimates that between 6 and 10 additional waste management sites will be required for the period until 2026. In addition the Council's Waste Technical Paper (February 2010) concludes that "significant additional waste management capacity is still required to support the sustainable management of non-municipal waste". The Council's Environment Policy Officer has confirmed that the proposed additional capacity is generally welcome.

10.2.3

The applicant has advised that the facility would be capable of processing a relatively wide range of compostable waste types, including green wastes, catering wastes from households, wastes from food manufacturing, sludge/sewage cake, cardboard and chipped wood. Sources of waste would include schools, utility companies, supermarkets and restaurants. The applicant has advised that it is not possible at this time to provide detailed information regarding the specific premises from which wastes would be transported. Nevertheless, in view of the types and general sources of wastes that could potentially be brought to the site for composting, it is concluded that the proposal would contribute to meeting the recognised demand for additional sustainable waste management facilities in the county. In addition, the Environment Policy Officer advises that the proposal would help to demonstrate progress towards the principle of 'equivalent self sufficiency' which seeks to establish additional capacity to offset exports of waste for landfill out of the county (PPS10; Core Strategy Policies CS5 & CS19).

10.3

Waste Local Plan policy on 'preferred' sites and alternative sites

10.3.1

The site at Peplow Airfield is not included on the list of 'preferred' waste management sites in the Waste Local Plan. However it should be noted that Peplow Airfield was not a site that was assessed for its suitability for waste management use as part of the preparation of the Waste Local Plan.

10.3.2

Where a proposed site is not identified as a preferred site in the Waste Local Plan, a proposal may be acceptable if it would not prejudice the development of preferred sites or there is a need not catered for by the preferred sites. At the present time there is no indication that either of the two sites identified in the Waste Local Plan for in-vessel composting – Battlefield and Lower Prees Heath - will be developed for such use.

10.3.3

The Waste Local Plan envisages that a network of facilities will be developed to enable progress towards a more sustainable system of waste management. Given the location of the application site in relation to Preferred Sites and the lack of alternative in-vessel composting sites in the area, it is considered that the proposed site at Peplow Airfield would meet a need not provided for by the Preferred Sites and not prejudice their future development. On this basis the proposal is in line with the requirements of Policy 8 on alternative sites.

10.4

Acceptability of proposal in relation to permitted use of building

10.4.1

The hangar has in the past been used for the storage of vehicles, equipment and materials. In addition the hangar was used from 1997 for the storage of meat and bone meal waste. Some weight should be given to the fact that some of the activities proposed – notably the storage of materials and the transport of materials to and from the hangar – can at present be undertaken at the site without restriction. This weighs in favour of the current proposal to some degree.

10.5

Site location issues

10.5.1 General principles

Policy CS19 of the Core Strategy states that specific sites will be identified for additional waste management facilities close to the main urban areas within the 'Broad Locations' identified in the Core Strategy. These include an area in the north-east part of the county that encompasses Whitchurch, Market Drayton and Wem. The Environment Policy Officer has confirmed that the application site lies outside of these 'Broad Locations' for waste management sites [approximately 2.5km from the nearest area], but considers that the principle of the proposed use is consistent with many of the key objectives of Policy CS19.

10.5.2 The Core Strategy gives support for smaller scale waste facilities outside of the 'broad locations' capable of meeting local needs where consistent with criteria of national and regional policy. Whilst the applicant is unable to confirm the specific farmholdings that would receive the compost produced the applicant has advised that it would be offered to the nearest farms. In this respect it is considered that the site is relatively well located in relation to potentially suitable agricultural land (Waste Local Plan Policy 14).

10.5.3 Re-use of existing building, and impact on visual character

Some basic repairs to the building are proposed, together with some internal works to provide improved containment of the process. However the external appearance of the building would not need to be significantly modified, and the size of the building is considered satisfactory to accommodate the scale of the operation. It is considered that the proposal comprises an appropriate re-use of an existing storage building and existing facilities, and is therefore supported in principle by Development Plan and national policies (PPS4; Waste Local Plan Policy 14, Core Strategy Policy CS5). In addition, whilst some upgrading of one of the existing access roads would be undertaken, overall the proposal would not adversely affect the visual character of the area (Core Strategy Policy CS5; Structure Plan Policy P67; Waste Local Plan Policy 25).

10.6 **Technical and general residential amenity considerations**

10.6.1 Type of composting technology; waste types to be composted; compost spreading

Some residents have objected to the proposal on the grounds that the composting equipment that is proposed has not been fully tested and that there are uncertainties regarding the ability of the plant to undertake the composting operation without causing adverse impact. In addition some residents have concerns over the types of waste that would be composted at the site, and the spreading of composted wastes onto farmland.

10.6.2 Whilst the concerns of residents regarding the type of plant being proposed are acknowledged, the technical merits of the composting operation, including the specific details of the processes involved, are matters that will be considered by the Environment Agency as part of the permitting regime. The Permit would control matters relating to the waste types and potential emissions. Spreading of material onto farmland would also be subject to the regulatory controls of the Agency. The facility may also need to be approved by Defra under animal by-products controls, and this would require that the composting plant can achieve the specific treatment standards. National policy (PPS10 and PPS23) is clear that the planning authority should not concern itself with the control of processes which are a matter for the pollution control authorities, such as the Environment

Agency. However the acceptability of the proposal in land-use terms is a relevant consideration and is considered below.

10.6.3 Potential impacts of composting operation on sensitive receptors

Concern has been expressed by local residents that the proposed composting facility would have an unacceptable impact upon residential amenity, creating adverse levels of noise, odour and air pollution, and attracting flies and vermin.

10.6.4 In relation to the location of the site, the surrounding land is predominantly in agricultural use, and the nearest residential property is location some 750 metres from the hangar. The Environment Agency has noted that the site is a “considerable distance” from any ‘receptor’, and has confirmed that a bio-aerosol assessment is not required as there are no receptors within 250 metres of the hangar.

10.6.5 In terms of the composting operation itself all waste processing operations would be carried out within the existing hangar building. A further enclosure would be constructed within the hangar to provide additional containment of the area where wastes would be tipped from vehicles and where shredding and sorting of wastes would be carried out. This internal enclosure would be designed to be vermin and bird proof. The composting of the wastes would be undertaken within sealed vessels. Maturation of the composted material in windrows, and the loading of compost onto vehicles for export, would also be undertaken within the hangar. In addition to the above, further controls over odour emissions include operating the process under negative air pressure and passing the air through a bio-filter. Overall, it is considered that the specific design measures incorporated within the proposals would provide a satisfactory level of containment of the waste materials and also of the composting process.

10.6.6 Notwithstanding the concerns expressed by local residents, it is considered that the location of the facility in relation to sensitive receptors, and the proposed enclosure of the process, both weigh in favour of the proposal development when assessing the potential impacts upon local amenity.

10.6.7 It is noted that there have been no objections raised to the proposals by either the Environment Agency or the Council’s Public Protection team. The recommendation of the Public Protection Officer regarding litter management can be secured through a planning condition. Subject to further specific conditions to control operations it is considered that the proposed composting operation can be undertaken at the hangar without adverse impact on residential or local amenity through emissions such as noise, odour, dust, litter and bio-aerosols (PPS1; PPS10; Regional Spatial Strategy Policy QE3; Structure Plan Policy P67; Waste Local Plan Policy 25; Core Strategy Policy CS6).

10.7 **Effects on water pollution and flood risk**

10.7.1 Water pollution issues

A number of residents have expressed concerns regarding the risk of pollution of surface and ground water from the proposed composting operation. This is a particular issue for some as it is understood that some domestic water supplies are obtained from boreholes in the area.

10.7.2 All waste management and composting operations would be undertaken within

the building, which would be a self-contained unit. Operations that would take place outside the building would be restricted principally to the weighing of wastes whilst they are on delivery vehicles.

- 10.7.3 The floor of the building is constructed of concrete. Waste water arising from vehicle washing and from wastes being stored in the reception area would be collected in a bunded sump and directed to a storage tank. This water would be used as part of the composting process as required, with any excess being removed by vacuum tanker. It is therefore not intended that any waste water would be discharged to land or watercourses. Planning conditions would be imposed to require that this waste water management system is maintained.
- 10.7.4 There would be no change to the existing arrangements for foul water discharge from the toilet facilities in the adjacent building. This is currently to soakaway via an existing septic tank and is considered acceptable at this location.
- 10.7.5 It is noted that the Environment Agency has not raised objection to the proposal on the grounds of risk of water pollution, and has confirmed that measures to prevent water pollution would be regulated by the Environmental Permit. Overall it is considered that an acceptable level of control over waste waters arising at the site can be incorporated within the process to prevent pollution to groundwater or surface water. In view of the expressed concerns from local residents and the wider comments of the Environment Agency it is considered appropriate that a condition is imposed requiring the prior approval of a scheme that provides specific details of waste water management controls (Regional Spatial Strategy Policy QE9; Structure Plan Policy P67; Waste Local Plan Policy 25; Core Strategy Policy CS18).
- 10.7.6 Flood risk implications
Parts of Peplow Airfield are located within Flood Zones 2 and 3, denoting land where there is an increased risk of flooding. These areas include parts of the access track to the hangar, and the area where the weighbridge and weighbridge office are located.
- 10.7.7 The hangar building itself is located outside of these Flood Zones. During times of flood, it is therefore not anticipated that floodwaters would enter the hangar building and come into contact with waste materials.
- 10.7.8 The applicant acknowledges that vehicular access to and from the hangar would be impeded in the event of a flood. Whilst this would restrict deliveries of waste to the site and transport of compost from the site, the composting process within the building would not be affected. The Environment Agency has advised that, based on its records, due to the flood flow rate of the local watercourse (Allford Brook), any flooding of the access track would be likely to be short-lived and unlikely to be of any significant depth. Consequently the Agency has not raised any concerns regarding flood risk implications. On the basis of the above assessment it is not considered that the proposal raises significant issues in relation to flood risk (Core Strategy Policy CS18; Structure Plan Policy P67; Waste Local Plan Policy 25).

10.8 Site access and traffic considerations

10.8.1 There have been a significant number of local objections received to the proposal in relation to access and traffic issues.

10.8.2 Proposed site access

Waste delivery vehicles would approach the airfield from the A41 to the east. The applicant originally proposed that vehicles would access the airfield via Eaton Road to the west, which is the main access into the airfield. This would have required vehicles to pass through Childs Ercall village and this was one of the primary concerns of residents.

10.8.3 It is now proposed that waste delivery vehicles would access the airfield using an existing track to the north of the hangar, and this would obviate the need for the majority of vehicles to pass through Childs Ercall. Vehicles using the Eaton Road access would be limited to a small number of tractors (1-2 per day) delivering compost to local farms in that direction, and staff cars. It is acknowledged that this would to some degree replace other local vehicle movements associated with the transport of artificial fertiliser to farms in the area.

10.8.4 Whilst the process would require some deliveries of water, it is accepted that these would not entail significant additional vehicle movements given that the composting operation is essentially a drying process that does not demand the addition of large quantities of water.

10.8.5 It is proposed that traffic and routing matters would be controlled through a Traffic Management Plan. This would be agreed with Shropshire Council and would include: specification of the agreed vehicle route to the airfield, controls over the use of each of the two accesses to the airfield, and time constraints on vehicle access to avoid busy periods. Controls would also be imposed on the total number of heavy vehicles accessing the site.

10.8.6 Fallback position

The level of public concern over the traffic implications of the proposal is fully acknowledged. However, the situation that would subsist if permission is refused, ie. the 'fallback' position, is relevant.

10.8.7 The existing permitted use of the hangar is for Class B8 storage. Details have been provided by the applicant, including previous signed declarations, that the hangar has been used between 1960 and 1995, and more recently, for storage of a range of items. Under this permitted use, there are no restrictions on the number of vehicles that are permitted to access the hangar, the routes that such vehicles can take, or the timings of trips.

10.8.8 It is considered that significant weight should be given to the additional level of control over traffic impact that would be provided as part of the current proposal, including vehicle numbers, timing of deliveries and routing.

10.8.9 Local highway impact issues

It is acknowledged that sections of local roads that would be used by heavy vehicles associated with the proposal are not sufficiently wide to allow two vehicles to pass without hindrance. The applicant agrees that passing places

should be installed, but has confirmed that no highway improvements are proposed as part of the planning application as these should be undertaken by the highways authority. Whilst the applicant is not willing to contribute to localised highway widening works, the Highways Officer considers that given the existing permitted use of the building which could involve heavy traffic to and from the site, a highway objection on the basis of the impacts of the proposal on the local highway network could not be sustained. The ability to impose additional highway controls on the current proposal relative to the existing situation is acknowledged (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policies 25 & 27).

10.9 **Public rights of way considerations**

10.9.1 It is not anticipated that the proposal would adversely affect users of public rights of way in the vicinity of the site, given that the composting operation is a contained process carried out within a building.

10.9.2 The existing access track between the hangar and the public highway to the north crosses a public right of way. Given that there would be an increase in vehicles crossing at this point it would be appropriate to require some measures to be put in place to improve safety, as recommended by the Countryside Access Team. The installation of appropriate signage can be secured by planning condition (Core Strategy Policy CS7; Structure Plan Policy P67).

10.10 **Landscape and ecological considerations**

10.10.1 It is not considered that the proposal for the re-use of an existing building raises significant landscape or ecological issues. Nevertheless it is considered that some landscaping works can be sought at the principal site access point (to the north) in order to improve the appearance of this area, and to replace any trees or vegetation that may be lost as part of the construction of passing places. This can be secured through an appropriate landscaping scheme (Core Strategy Policies CS6 & CS17; Structure Plan Policy P67; Waste Local Plan Policy 25).

10.11 **Socio-economic benefits**

10.11.1 The applicant states that the manufacturing of the composting vessels would be undertaken at Whitchurch and, if the sales of the equipment are achieved, then an extra 20 to 25 fabrication/engineering jobs would be created. The composting facility itself would create four full time jobs. The proposal would also, to some extent, be likely to reduce fertiliser costs to local farms. These economic benefits of the proposal are acknowledged in considering the overall benefits of the proposal (PPS4; Core Strategy Policy CS13).

11.0 **CONCLUSION**

11.1 The local opposition to the proposal is acknowledged. However the proposal would comprise an acceptable re-use of an existing building to provide a facility for the composting of waste materials to provide a beneficial product for use on local farmland. The need for additional facilities of this kind is accepted by the Waste Local Plan and PPS10. It is considered that the site is sufficiently distant from residential properties to avoid adverse impacts on local amenity from the composting process. Additional controls over the composting operation would be imposed as part of the Permit that would be regulated by the Environment Agency. The use of an alternative access to the existing main access to the airfield, together with the implementation of a traffic management scheme, would

provide an acceptable level of control over traffic impacts in relation to the currently unrestricted permitted use of the hangar for storage operations.

Overall, it is considered that, subject to additional controls over the operation to be provided by planning conditions, the proposal can be accepted in relation to development plan policies and other guidance and material considerations.

LIST OF BACKGROUND PAPERS:

The application 09/00292/MAW and supporting information and consultation responses.

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.

Environment Appraisal

The specific environmental impacts and wider issues raised by the proposals are considered in this report.

Risk Management Appraisal

Not applicable.

Community / Consultations Appraisal

Details are included in this report.

Portfolio Holder

Councillor Malcolm Price

Local Member

Councillor Andrew Davies

Appendices

None.

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. (a) Not less than three days prior written notice shall be given to the Local Planning Authority of the date for the commencement of the development hereby permitted.
- (b) Not less than three days prior written notice shall be given to the Local Planning Authority of the date for the commencement of the delivery of waste for composting under the terms of this planning permission.

Reason: To facilitate monitoring of the construction works and the development.

3. This permission shall relate only to the area edged red on submitted drawing no. 08-125c (Location Plan) [received February 2010], hereinafter referred to as the "Site".

Reason: To define the Site and permission.

4. Except as otherwise required by the conditions attached to this permission, the development hereby permitted shall be carried out strictly in accordance with the details as contained in the following:-
- (i) application form dated 27 March 2009, and amendments submitted in letter dated 5 February 2010;
 - (ii) Planning Statement entitled "Development of in-vessel composting demonstration facility at Hangar 3, Peplow Airfield, Childs Ercall", dated 5 February 2010;
 - (iii) Appendices of Planning Statement dated 27 March 2009;
 - (iv) drawings:
 - no. CE/WTN/01, entitled "Site Location Plan";
 - no. 08-125a, entitled "Existing Layout";
 - no. 08-125b, entitled "Proposed Layout";
 - no. 08-125c, entitled "Location Plan" [submitted with letter dated 5 February 2010];
 - no. 08-125d, entitled "Block Plan";
 - no. 08-125e, entitled "Operating Plans";
 - OS Plan, scale 1:10,000, [submitted with letter dated 5 February 2010].
 - (v) letters from Christal Planning Services Limited dated 27 March 2009, 5 February 2010 and 11 October 2010;

Reason: To define the Site and permission.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. (a) No development hereby permitted shall commence until details of the external refurbishment works of the hangar have been submitted to and approved in writing by the Local Planning Authority.
- (b) No waste materials shall be imported to the Site until the external refurbishment works approved as part of condition 5(a) above have been completed.

Reason: To ensure that the composting operation is undertaken within a satisfactorily contained building to prevent pollution and protect local amenity (Core Strategy Policy CS6; Waste Local Plan Policy 25).

6. No building works hereby permitted shall take place until details of the internal layout and design of the reception building, including internal walls and layout of plant and structures, have been submitted to and approved in writing by the Local Planning Authority. Composting operations shall thereafter not be undertaken other than in accordance with the approved internal layout details.

Reason: To ensure an acceptable Site design and layout in order to protect local amenity and prevent pollution (PPS10; Structure Plan Policy P67; Waste Local Plan Policy 25).

7. (a) No development hereby permitted shall take place until details of the design specification for improvements to the junction point of the Site access with the Howle Road public highway have been submitted to and approved in writing by the Local Planning Authority.

(b) No development hereby permitted shall take place until details of the location and specification of passing places to be constructed along the access road to the hangar from the Howle Road have been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory means of access to the hangar in the interests of highway safety and local amenity (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policies 25 & 27).

8. (a) No development hereby permitted shall take place until details of the layout of the external yard adjacent to the hangar have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall confirm the proposed location of designated vehicle parking areas, the proposed arrangements to avoid conflicts between vehicles using the composting facility and other vehicles gaining access to adjacent buildings, and any resurfacing works proposed.

(b) The development hereby permitted shall not take place other than in accordance with the external layout approved as part of condition 8(a).

Reason: To provide a satisfactory means of access to the hangar and to avoid conflicts with adjacent land users (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

9. No development hereby permitted shall be undertaken other than in accordance with a scheme for waste water management that has received the prior written approval of the Local Planning Authority. The submitted scheme shall provide details of measures to ensure that waste waters arising within the hangar are satisfactorily managed to prevent discharge from the hangar or into groundwater. The submitted scheme shall include details of:

- surfacing of hangar floor to provide an impermeable surface;
- the waste water drainage and collection system;
- any bunds to contain wastes and waste water;
- storage tanks, and calculations to demonstrate that these are of a satisfactory capacity to deal with the quantity of waste water arising;
- arrangements for the emptying of storage tanks and removal from the hangar of surplus waste water.

Reason: To protect the water environment and local amenity (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

10. No development hereby permitted shall be undertaken other than in accordance with a scheme detailing procedures for managing any wastes at the Site that are not permitted to be composted by virtue of condition 16. The submitted scheme shall include: measures to minimise the quantity of non-permitted wastes that are brought to the Site; the procedures for separating non-permitted wastes from permitted wastes; specification and location of storage containers to store non-permitted wastes; arrangements for removal of non-permitted wastes from the Site.

Reason: To protect the water environment and local amenity (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

11. No development hereby permitted shall take place other than in accordance with a Site security plan that has received the prior written approval of the Local Planning Authority. The submitted plan shall include measures proposed to prevent unauthorised access to the hangar.

Reason: To provide a satisfactory appearance of the development and to protect the visual character of the area (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

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

12. No waste shall be imported to the Site until the junction improvement works and access road works approved under conditions 7(a) and 7(b) above have been completed in full.

Reason: To provide a satisfactory means of access to the hangar in the interests of highway safety and local amenity (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policies 25 & 27).

13. No waste materials shall be brought to the Site until measures to avoid conflict between users of the public right of way that crosses the access track between the hangar and Howle Road and vehicles associated with the composting operation have been put in place in accordance with written details that have received the prior written approval of the Local Planning Authority. The submitted details shall include the location and specification of signs and road markings at the junction between the access track and the public right of way. The approved measures shall thereafter be maintained for the duration of the use of the hangar for the development hereby permitted.

Reason: To maintain safety of users of the public right of way (Core Strategy Policy CS7).

14. (a) No composting operations hereby permitted shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of tree/hedgerow

planting adjacent to the access track from the Howle Road to the hangar, or other areas as appropriate, and:

- (i) details of species to be planted, including deciduous species of local provenance as appropriate,
 - (ii) the proposed method of planting,
 - (iii) measures for their protection and management.
- (b) The approved landscaping scheme shall be implemented during the first available planting season following the approval of the scheme.
- (c) Following the completion of landscaping works, such date to be notified in writing to the local planning authority, the landscaping shall be subject to five years aftercare during which time any plants which die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: To protect and enhance the visual qualities and landscape character of the area, in particular adjacent to the site access junction with the Howle Road; to compensate for tree and vegetation removed as part of the construction works, to improve biodiversity, to ensure the successful establishment of landscape planting in the interests of visual amenity, and to comply with Section 197 of the Town and Country Planning Act 1990 (Regional Spatial Strategy Policies QE1, QE6 & QE8; Structure Plan Policy P67; Core Strategy Policies CS5 & CS6; Waste Local Plan Policy 25).

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

15. Except for routine monitoring of composting wastes and maintenance works,
- (a) no operations associated with the development hereby permitted, including the delivery and transport of waste or compost to and from the Site, and the loading, unloading and movement of waste or compost at the Site, shall take place other than between the following hours:
0800 – 1800 hours, Mondays to Fridays, and
0900 – 1300 hours, Saturdays

- (b) no operations shall take place on Sundays, or Bank or Public Holidays.

Reason: To protect local amenity (Core Strategy Policies CS5 & CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

16. No waste materials shall be composted or otherwise added to composting vessels other than biodegradable or organic wastes including green waste, catering waste, food waste, sewage and sludge cake, paper and cardboard, chipped wood.

Reason: To control the types of waste to be composted at the Site in order to protect local amenity and prevent pollution (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the provisions of any Order amending, replacing or re-enacting that Order, no plant or machinery, building and structures in

addition to those specified in the planning application or in plans/documents approved under conditions of this permission shall be erected, extended or installed at the Site.

Reason: To maintain satisfactory layout, appearance and management of the development in the interests of protecting local amenity and visual character of the area (Core Strategy CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

18. Waste tipping from vehicles, waste sorting, loading and shredding shall not take place other than within the hangar within an enclosed area.

Reason: To ensure that such operations take place within an enclosed environment and to minimise noise, dust and odour emissions in order to protect local amenity (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

19. Not more than 25,000 tonnes of waste materials shall be delivered to the Site per calendar year.

Reason: To limit the intensity of the operation and amount of waste being processed and transported in order to protect local amenity and prevent pollution (Core Strategy Policies CS6 & CS7; Structure Plan Policy P67; Waste Local Plan Policy 25).

20. No waste shall be burned at the Site.

Reason: To safeguard the amenities of adjacent land and land users from visual intrusion and the adverse effects of emissions of odour, smoke and particles (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

21. No waste, compost or other materials shall be stored or deposited outside of the hangar building.

Reason: To protect the visual qualities of the area, and to prevent pollution and minimise dust and odour emissions (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

22. No waste materials shall be imported to the Site until repairs to the access tracks to the hangar have been undertaken in accordance with a schedule that has been submitted in writing and received the prior written approval of the Local Planning Authority. Thereafter the access tracks shall be cleaned as necessary in order to prevent the trafficking of mud onto the public highway and control levels of dust.

Reason: To ensure that the access tracks are repaired to a satisfactory condition and thereafter maintained to prevent the trafficking of mud onto the public highway and control levels of dust in the interests of highway safety and local amenity (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

23. No vehicular access shall be gained to the hangar other than via the two access points as shown on drawing 08-125c.

Reason: To define the access to the Site in the interests of highway safety and local amenity (Core Strategy Policies CS6 & CS7; Structure Plan Policy P67; Waste Local Plan Policy 25).

24. Records of the number of waste deliveries to the Site and the tonnage of waste imported to the Site per calendar month shall be made, and made available to the Local Planning Authority upon request. Within one month of the end of each calendar year, a written report of the total number of vehicles that have delivered waste to the site that year and the total tonnage of waste imported to the Site that year shall be provided to the Local Planning Authority.

Reason: To facilitate the monitoring of the development hereby permitted in the interests of highway safety, pollution prevention and local amenity (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policy 25).

25. Any litter arising from the development hereby permitted shall be cleared from external areas of the Site on a daily basis and more frequently in periods of high winds.

Reason: In order to safeguard local amenity (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policies 25 & 27).

26. There shall be no discharge of foul or contaminated drainage from the Site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent the pollution of the water environment (Core Strategy Policies CS6 & CS18; Structure Plan Policy P67, Waste Local Plan Policy 4).

27. The Site shall not be used as a reception point for waste delivered by householders.

Reason: To maintain control over the operation and restrict vehicle movements to the Site in the interests of local amenity, highway safety and pollution prevention (Core Strategy Policies CS6 & CS7; Structure Plan Policy P67; Waste Local Plan Policy 25).

28. There shall be no retail sale of compost or other materials directly from the Site.

Reason: To maintain control over the operation and restrict vehicle movements to the Site in the interests of local amenity, highway safety and pollution prevention (Core Strategy Policies CS6 & CS7; Structure Plan Policy P67; Waste Local Plan Policy 25).

29. The number of waste collection vehicles and compost delivery vehicles to or from the Site in connection with the development hereby permitted shall not exceed:
- (i) an average of 12 movements per working day calculated over a calendar month; and
 - (ii) a maximum of 16 movements on any working day.

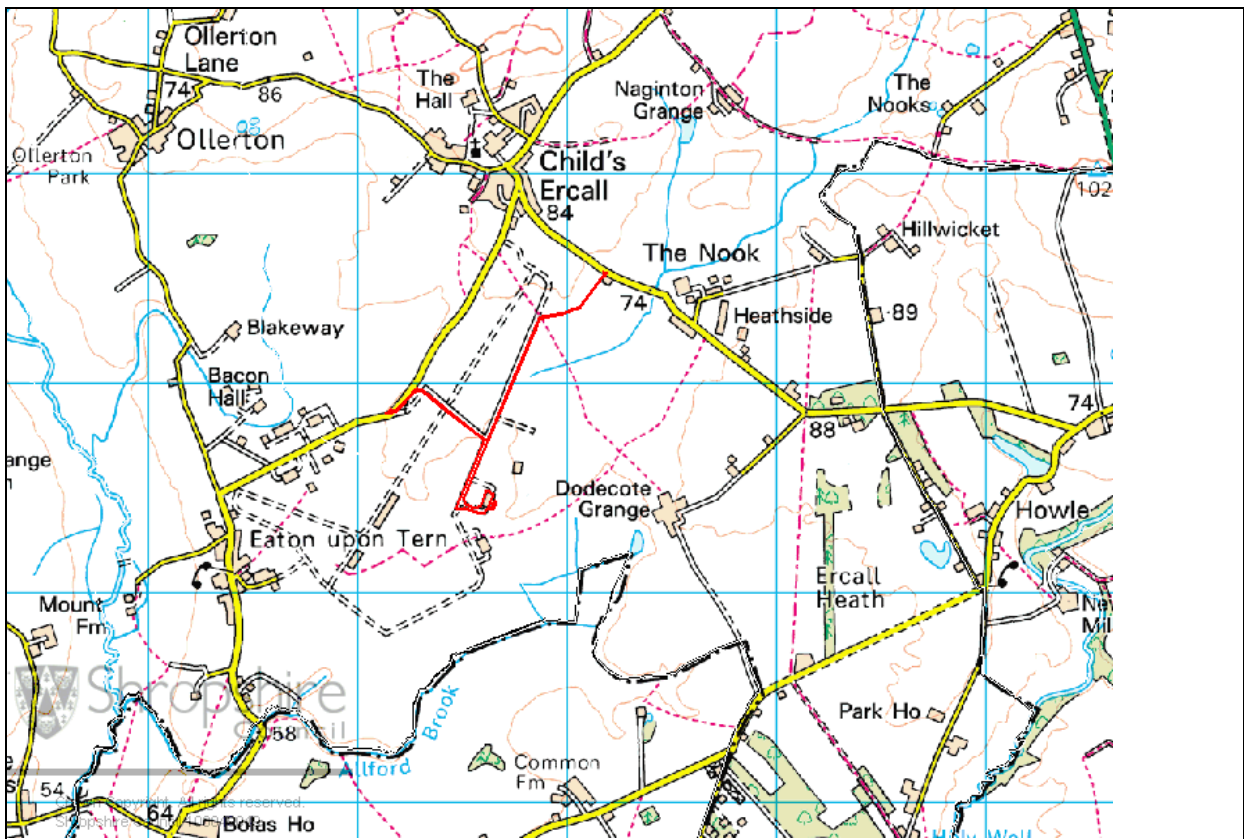
Reason: In the interests of highway safety and local amenity (Core Strategy Policies CS6 & CS7; Structure Plan Policy P67; Waste Local Plan Policy 25).

- 30. Within six months of the permanent cessation of composting operations at the Site, all waste shall be removed from the Site.

Reason: To minimise the risk of pollution and adverse local amenity (Core Strategy Policy CS6; Structure Plan Policy P67; Waste Local Plan Policies 25 & 27).

Informatives

- 1. In order to protect the Public Right of Way:
 - a. No materials are to be stored or spilled on the path.
 - b. There is to be no reduction of width or encroachment onto the path.
 - c. No barriers, gates or other furniture are to be erected on or across the path without the written consent of the Countryside Access Team at Shirehall, Shrewsbury.
 - d. There is to be no damage or alteration to the surface of the path without the written agreement of the Countryside Access Team.
 - e. If the path is to be adopted, it should be constructed to adoptable standards, available from the Countryside Access Team.
 - f. If any path needs to be diverted or extinguished to allow development to take place, then a Public Path Order is required. Contact the Countryside Access Team on 01743-255068 to arrange this.



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Committee and Date
 North Planning Committee
 2nd April 2019

Item
6
 Public

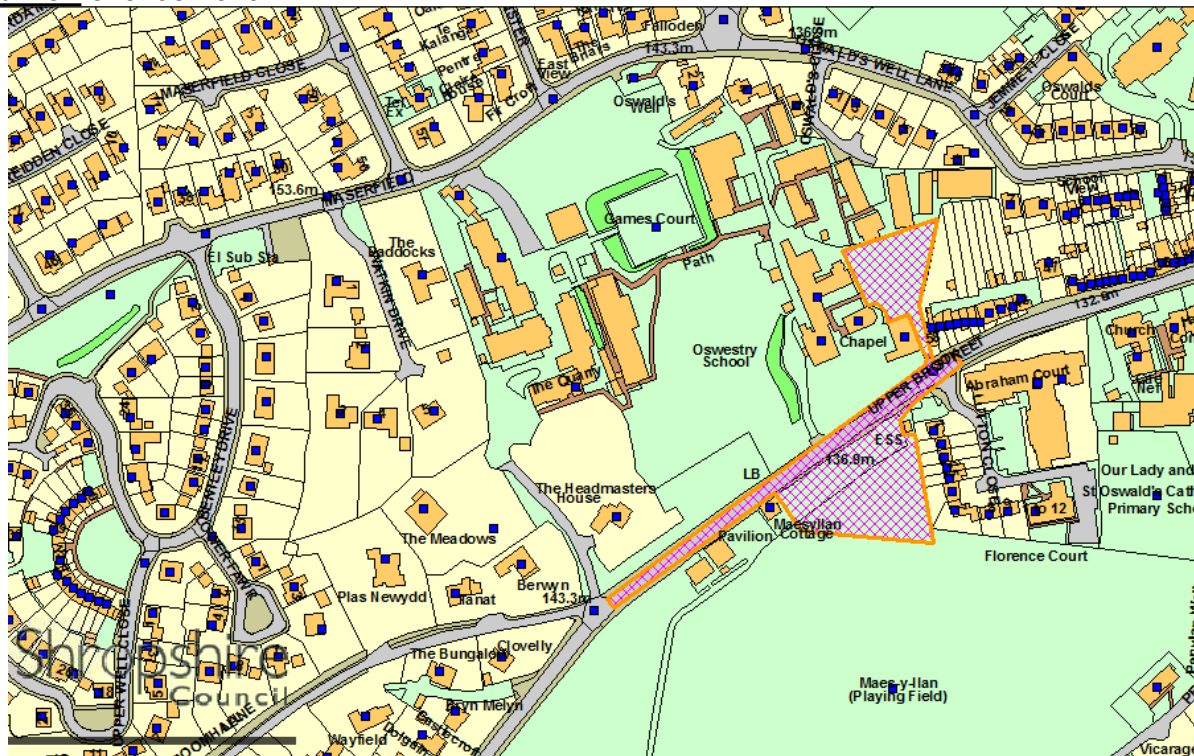
Development Management Report

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

Summary of Application

Application Number: 18/04978/FUL	Parish: Oswestry Town
Proposal: Additional car park, modifications to highway access from Upper Brook Street and works to improve highway safety	
Site Address: Oswestry School Upper Brook Street Oswestry SY11 2TL	
Applicant: Oswestry School	
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk

Grid Ref: 328495 - 329271



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

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

- 1.1 The submitted application is for the creation of additional car parking for use by staff and visitors to Oswestry School. The car park would provide space for 46 cars which is in addition to the 36 spaces that were created by the adjacent car park which received planning permission in 2012 (application no. 12/00590/FUL). At present the existing car park has a single access which is adjacent to the Bursars House. The addition of the extra car parking also involves the creation of a second access thereby allowing separate 'in' and 'out' points for vehicles.
- 1.2 As part of the proposal the applicant is also suggesting revisions to the existing on-street parking arrangements and the creation of a new Traffic Regulation Order to introduce new on street parking restrictions.
- 1.3 By providing extra off street parking provision it will allow the school to reconfigure how they use the existing access and vehicle circulation space within the school complex which the school states would make it safer for pedestrians as currently there is significant risk because of one of the blind bends within the school site. Changes will also mean that the existing mini-roundabout will be utilised more which would assist in the free flow of traffic along Upper Brook Street.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The main part of the school complex is located on the northern side of Upper Brook Street. The complex consists of a number of buildings including the grade II headmasters house, class rooms, new sports hall and swimming pool.
- 2.2 The application site lies on the southern side of Upper Brook Street and is a triangular parcel of land that sits adjacent to the schools existing parking area granted planning permission in 2012. The application site forms part of the school's extensive playing fields although this particular section it is not actively used as part of the school's formal marked out sports pitches.
- 2.3 To the south of the site there is the expanse of playing fields and to the north there is Lutton Close which is a modern development of 3 storey dwellings. The internal layout of these dwellings are configured so that they have their primary living space on the first floor which affords views straight across the application site from their

Juliet balconies.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application has been called in by the local member and is considered to be an application that warrants consideration by the committee.

4.0 Community Representations

- Consultee Comments

4.1 Oswestry Town Council- Objects to the application.

It is considered that the application presents a loss of privacy to neighbouring properties and will provide a public nuisance (noise and light pollution), particularly by the extended hours of usage intended.

The Council recognise that a solution needs to be found to address the traffic problems that exist in the location. Councillors were not satisfied that all alternative options on the main school site, to satisfy parking needs, have been investigated. The Town Council ask Shropshire Council to recommend to the school that they consider and develop a green transport plan.

It is considered that the suggested changes to the traffic regulations along Upper Brook Street would deprive the general public and residents of an on- street parking option and mean that coaches (that bring visitors to the school) will have nowhere to park.

The Council support residents' concerns regarding flooding as it is known that this area has historically flooded on a frequent basis during each heavy period of rainfall. This could be exacerbated by the addition of the proposed car park surfacing solution.

The Council has previously asked Shropshire Council, as an outcome from this application, to look at a planning protection of Maes-y-Llan due to its long historical importance with the town, and its origins. In addition, the Council would ask for an archaeological assessment to be carried out prior to the determination of the application.

Concerns are also voiced that by approving the application then effectively the site is redesignated as a brownfield site that could therefore in the future attract planning applications.

Due to the significant concerns that exist regarding this application from the Town Council, and from local residents, it is requested that Shropshire Council request a full traffic management plan to take account of the many issues being raised and to guide the decision making process.

- 4.2 **Highways-** No objection subject to conditions to secure highway improvements.
- 4.3 **Sport England-** Does not wish to raise an objection to this application following the submission of further supporting information. This is on the basis of a condition being attached to the decision notice to secure the delivery of the sports pitches.
- 4.4 **Public Protection-** No objection subject to conditions to restrict hours the car park is used and the submission of a noise mitigation scheme.
- 4.5 **Tree Officer-** No objection subject to conditions to ensure protection of a large poplar tree.
- 4.6 **Archaeology-** No objection subject to ensure the archaeological inspection of any ground works.
- 4.7 **Ecology-** No objection subject to informative concerning nesting birds.
- 4.8 **Drainage-** No objection

- Public Comments

25 letters of objection have been received and 26 letters of support, commenting on the following issues:

Objections

Already traffic congestion in area

Excessive vehicle speeds

Noise and light pollution

Impact on neighbours

Security issues

Impact on highway safety

Access too close to mini-roundabout

The existing parked cars provide traffic calming

Car park proposed in residential area

Loss of historic space

School has not promoted walking, lift sharing, on site parking

Parking on road to walk into town

Loss of parking for residents

Alternative sites for parking

Insufficient width of access

Extra parking is needed but not here

No extra parking is needed.

Parking needed as school promoting itself as a leisure centre.

Loss of sports pitch

Extra parking is only needed for a small number of events.

Flood risk

Support

Car parking a problem for swimming club

Highway safety concerns from amount of on street parking

Safe parking is needed

Will reduce congestion at peak times

Existing parking arrangements are dangerous

Site is not of historical significance

School shares its facilities with the community

Existing car park is too small

5.0 THE MAIN ISSUES

Principle of development

Highway safety

Sport pitch provision

Impact on Neighbours

Visual impact and landscaping

Impact on heritage assets

Impact on Trees

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Alterations and additions to existing educational premises are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles which seeks to ensure that development is appropriate in scale, density, pattern and design.

6.1.2 Policy CS8 Facilities, Services and Infrastructure Provision also aims to develop sustainable places in Shropshire and maintain and enhance existing services and facilities. The extension of the car parking facilities proposed is required to provide additional space for staff, visitors and students together with improving the safety arrangement of the internal circulations space and to improving the functioning of adopted highway by helping to ease the flow of traffic.

6.1.3 Policy CS17 of the Core Strategy relates to the protection of environmental assets which includes the provision of high quality of playing fields because of the recreational value they bring but also the benefits they provide to their immediate setting and providing connecting corridors for ecology. The policy also covers the

protection of Shropshire's heritage assets which in this instance include the grade II listed school house and the consideration of any heritage value that could be afforded to the playing field which has been referred to by objectors and the Town Council.

- 6.1.4 In addition to the above the proposal should accord with SAMDev Policy MD2 which additionally seeks to achieve local aspirations for design where possible and safeguard residential and local amenity.
- 6.1.5 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.
- 6.1.6 Section 8 of the NPPF aim to protect the provision of open space, sports and recreational buildings and land, which includes maintaining the provision of playing fields. The NPPF advises that playing fields should not be built on unless it can be proven that land is surplus to requirements or any loss is replaced by equivalent or better land.

6.2 Alternative Sites

- 6.2.1 A number of residents and the Town Council have made comment on there being other land within the school's ownership that could be used to provide the additional parking. However, alternative sites have been ruled out for a number of reasons. Introducing more car parking within the main school complex would create conflict between the cars and the pupils could compromise safety; something that the school is trying to improve as part of this scheme. Other potential sites are likely to result in there being a detriment to the setting of the 2 grade II listed buildings which are the headmasters house in the centre of the site and St Oswalds Well; located on the western side of the school. Other areas have also been ruled out because of the steep nature of the land; where engineering works would be needed or because of the presence of trees covered by preservation orders.
- 6.2.2 It is considered by officers that the reasons given by the school for dismissing alternative sites are justified.

6.3 Highway safety

- 6.3.1 One of the key drivers behind the scheme is the issue of large numbers of cars being parked on the edge of the highway especially during term time where often there is no space available after 9am. The effect of this on street parking is to create a single lane of traffic with traffic having to stop or slow to allow oncoming traffic to pass. One beneficial effect of the on street parking is that this does informally slow the speed of traffic. On occasions traffic tailgates one another when travelling in the uphill direction and the on-street parking prevents the downhill traffic being able to return to their own side of the road causing congestion as car meet one another on what has effectively become a single carriageway.

- 6.3.2 A solution to this would be to impose a no waiting restriction upon sections of the road, this would provide clear areas for the vehicles travelling down the hill to pull back on to their own side of the road and allow the oncoming vehicles travelling up the hill to pass. The proposal would retain some on street parking which will continue to slow the speed of traffic.
- 6.3.3 The above changes to the on street parking arrangements and the introduction of traffic management measures would be carried out as part of a Traffic Regulation Order under the Road Traffic Act which relates to the public highway. It is likely that the proposed car park would provide a considerably larger number of parking spaces than the number of cars that would be displaced by the introduction of on street parking/ waiting restrictions. The details of the arrangements would be subject to further survey works as part of the TRO process.
- 6.3.4 The works agreed as part of any Traffic Regulation Order (TRO) would be secured by a planning condition which would prevent the additional car parking spaces being brought into use until such time that the TRO works have been secured. The applicant has confirmed that they are willing to meet the costs associated with the TRO in terms of advertising, making of and carrying out the works.
- 6.3.5 At present the existing car park is served by a single point of access adjacent to the Bursars house at the western extremity of the site. As part of the extension to the car park the applicant is proposing to create a second access at the eastern end of the site; adjacent to the existing electrical substation building. The new access will involve a new opening being created in the stone wall which runs along the northern edge of the existing car park. The creation of a second access will allow an 'in' and 'out' for vehicles.
- 6.3.6 A number of representations have been received commenting on the proximity of the new 'in' access to the existing mini-roundabout. The Council's Highways Officer has commented that despite its closeness it is not considered to be unsafe.
- 6.3.7 The designated 'out' route would be via the existing access. It is acknowledged that visibility for exiting drivers is limited but observations made by the Highways Officer show that drivers using the route enter Upper Brook Street with due care. Additionally there have been no recorded incidents at this access in the last 5 years. Whilst the proposed car park extension would increase the number of vehicle movements to and from the site there would also be less conflict as a result of the 'in' and 'out' system which would be enforced by the use of an automated barriers to ensure the western access is an exit only route for vehicles.
- 6.3.8 Also included on the submitted plans are details of how the school proposes to change how the existing which leads into the school complex will be used. This includes changing the access off the mini-roundabout to two way traffic as part of a pick up/ drop off area. The width of this access is narrow and would normally only be suitable for single flow traffic, however it is considered that the flow of traffic could be managed within the site by ensuring vehicles leaving the site give way to

those entering. This change in itself does not require planning permission although there it does require a separate listed building consent for the slight repositioning of the stone wall which is considered to be a curtilage listed structure.

- 6.3.9 It is considered that the proposed increase in the size of the car park combined with the introduction of a new traffic regulation order will provide benefits not just to the school but also to other motorists using Upper Brook Street by improving the flow of traffic and allowing cars more easily to pass one another. The scheme has been considered by the Council's Highways officer who considers that there would not be any detrimental impact to the safety of highway users.

6.4 Sports Pitch Provision

- 6.4.1 The NPPF aims to ensure that communities have access to high quality open spaces and opportunities for sport and physical activity which is important for health and wellbeing. Sport England's policy is to oppose the loss of playing fields unless one or more of 5 listed exceptions apply. These include demonstrating an excess or playing field provision, development is for ancillary sports facilities, the land is incapable of forming part of a playing pitch, the land lost will be replaced or if it involves the provision of other indoor/ outdoor sports facility.
- 6.4.2 Sport England initially raised objections to the loss of part of the playing field as it had not been adequately demonstrated that the exceptions referred to above could be applied. The scheme as proposed would result in around 190 sqm of playing field being turned into car parking. Sport England's concern related to the incremental loss of field which could affect its capacity to provide appropriately sized pitches and also the ability to rest and rotate the pitches to maintain their quality.
- 6.4.3 In support of the application and to address the concerns of Sport England the applicant has provided further details to show the proposed winter and summer sport pitch layouts (to regulation sizes) along with details of improvements to the existing playing fields. At present there is an area at the top of the field which is unusable due to the undulating nature of the ground. Improvements to this part of the field will be carried out in accordance with Sport England's Guidance contained in 'Natural Turf for Sport'. Which will provide 2 extra junior pitches.
- 6.4.4 The applicant has demonstrated that the triangular section of the field cannot be used as part of a playing pitch because of its shape and size. The applicant has also demonstrated that the proposed additional parking is not only needed for staff car parking but also to accommodate those coming to the school to specifically use the sports facilities. The applicant has provided evidence of car parking before and during sports event to demonstrate that extra parking is often directly attributable to the use of the sports facilities, in particular after school hours and during the evening. It is however also recognised that some of the parked cars are those of local residents, or those seeking to avoid using the pay and display car parks in the town centre and instead choosing to park for free and walk the short distance into town.

- 6.4.5 The facilities are not used exclusively by the school but also by the wider community which includes the hire of the artificial pitches to local football clubs the pool to the swimming clubs. This use is in addition to the various school and inter-school sports events.
- 6.4.6 Sports England are satisfied that the loss of the playing field could not be justified purely on the basis of the need for additional parking for those using the sports facilities. However, elements of 3 of the 5 exceptions can be applied in this instance, these are, development which supports the principle sports use of the site, the site is incapable of forming part of a playing pitch and the area of playing field is replaced with better or equivalent quality/ size land.
- 6.4.7 As such, the loss of part of the playing field is considered acceptable and would be in accordance with the NPPF and Sports England's playing field policies.

6.5 Impact on Neighbours

- 6.5.1 The only neighbours who would be affected by the proposed car park extension are those to the east on Lutton Close. These are 3 storey properties with their main living rooms being on the first floor. The ground floors of these dwellings and their garden are at a lower level than the adjacent playing fields. The gardens are separated from the playing fields by a post and rail fence although some occupiers have chosen to put a more solid boundary fence along their rear boundary or to plant trees and shrubs to enhance the privacy of their gardens.
- 6.5.2 At present the dwellings on Lutton Close have views facing out across the playing fields. Residents can see the existing parking area but this is not too prominent as it is positioned to one side whereas the extension will be directly in the line of sight from their rear windows.
- 6.5.3 It is proposed that there would be a gap between the rear boundary of the dwellings and the edge of the car parking area. The car park would be 4.5 metres away from the ends of the neighbour's gardens. The gap between the car park and neighbours gardens would accommodate a pedestrian path so that people could walk to the sport pitches whilst avoiding any cars manoeuvring within the car park, a new hedgerow would also be planted alongside the footpath. In total there would be a distance of around 14 metres between the rear elevations of the dwellings and the edge of the car parking area. The views from the gardens and ground floor rooms would be interrupted by the existing boundary treatment plus the new hedgerow and fencing. It is however knowledge that the boundary treatments will not be sufficiently tall to screen the carpark from the main living rooms on the first floors. Whilst the outlook from the dwellings will change as a result of the car park, it is not considered that this will detrimentally impact upon residential amenities and properties will still benefit from the views across the rest of the playing fields beyond the parked cars.

- 6.5.4 One of the objections referred to by neighbours is the level of disturbance that will be caused by movement of cars, engines revving, door slamming, shining headlights and general activity. It is accepted that there will be a level of noise associated with the car park. This will be mitigated as far as possible by the planting of the hedge and also a condition requiring details of an acoustic fence to be agreed as recommended by the Council's Public Protection Officer. Additionally the car park shall not be used after 11pm and the low level bollard lights shall switch off at 10:30 which is 15 minute after the floodlights on the artificial pitch switch off; allowing users time to get back to their vehicles.
- 6.5.5 The layout of the parking spaces and the direction of circulation for vehicles will usually ensure that vehicles are facing away from the neighbouring dwellings to avoid car headlight shining directly towards the houses. Any time that a car is facing towards the houses the proposed and existing boundary treatments should minimise the impact from the car headlights.
- 6.5.6 It is considered that the proposed car parking will increase noise and activity of the site to a greater extent than neighbours currently experience and there will be a negative change to the neighbour's outlook from their dwellings, as such there will be some impact on residential amenities. However, the car park will be most intensively used during term times and most activity would be at the beginning and end of each day. It is considered that the mitigation proposed, the distance of separation, the restrictions on when the car park can be used would ensure that the proposal would significantly mitigate any harm caused to the neighbours ensuring that there would not be such harm as to detrimentally impact upon their living conditions.
- 6.6 Visual impact and landscaping
- 6.6.1 The proposed car park will be surfaced in the same materials as the existing car park which allows grass to grow through whilst providing a firm surface. This has not been very successful on the existing car park where its frequency of use has prevented the growth of grass. However, whilst the car park is somewhat stark in its appearance it is considered that the alternative hard surface such as tarmac would appear even more visually intrusive. The use of other materials such as gravel would risk spillage out onto the road and would generate more noise as vehicles pass over it and therefore disturbance to neighbours.
- 6.6.2 It is considered that from public areas the proposed car park would not have a detrimental impact upon the character and appearance of its open countryside location. The parked cars would be clearly visible to those travelling down the hill towards town, however these would be seen against the backdrop of the 3 storey dwellings and view would be partially obscured by the Bursars House, the grounds maintenance buildings and the stone wall.
- 6.6.3 It is considered that the loss of the green space and its replacement with hard surfacing and the parking of 46 additional cars would cause some slight visual harm which does weigh negatively against the proposal.

6.7 Impact on heritage assets

- 6.7.1 The main historic feature near the site is the Headmaster House located on the opposite side of the road which is a grade II listed building. The applicant has submitted a Heritage Assessment which is in accordance with the requirements of the NPPF.
- 6.7.2 The view of the listed building from the car park are significantly restricted by the trees and hedge planting on the opposite side of Upper Brook Street. It is considered that the car park and its use would not have a detrimental impact upon the setting of the listed building subject to appropriate lighting and tree planting. In this instance the applicant has confirmed that the planting will be a mix of silver birch, rowan and hazel trees with hawthorn, blackthorn, beech and hazel hedge planting. The lighting of the site will be of the low level bollard type.
- 6.7.3 An issue that has been raised by residents and the Town Council is the historic value of the playing fields as there is opinion locally that the field is the site of the Battle of Maserfelth. Fought in 642 between Oswald and the Christian King of Northumbria, and Penda the pagan ruler of Mercia. There are however at least two other claimed sites for the battle in Lancashire and Gloucestershire. The Council conducted two previous inspections of the site of the existing carpark, adjacent to the proposed development site, during turf stripping works in July 2012. However, no archaeologically significant features or deposits were observed.
- 6.7.4 Given the general uncertainty about the exact location of the battle, the limited ground disturbance the proposed development will cause, and the observations during the works in 2012 and the watching brief in 2103, it is considered that the proposed development site has very low archaeological potential.
- 6.7.5 During the Course of the application a request was made to Historic England to have the site formally added to the Register of Historic Battlefields. After assessing the available information Historic England concluded that significant ambiguity of the evidence for the site of the Battle of Maserfield remains. As such the site at Oswestry School was not be added to the Register of Historic Battlefields as the location of the Battle of Maserfield.

6.8 Impact on Trees

- 6.8.1 The application site is largely free of any trees with the exception of a large poplar tree which is located adjacent to the proposed entrance into the car park. This tree is protected by a Tree Preservation order (TPO). The creation of the new access will requires excavation and other works within the Root Protection Area which has the potential to detrimentally impact on the tree and the works could not be carried out in accordance with the tree protection measures contained in BS5837.
- 6.8.2 The tree does have a limited lifespan in this location because of its age, the nature and characteristics of the species, its rate of growth and potential to start to disrupt

existing structures. The tree does provide some amenity but there are a number of other mature trees in close proximity of the site reducing the visual impact on the poplar tree.

- 6.8.3 It is proposed to retain the tree for as long as possible but to mitigate its likely eventual loss a replacement tree will be provided, this is considered to be a reasonable way forward by the Council's Tree Officer in conjunction with suitable tree protection during construction and a no-dig technique. These would be conditioned accordingly.

7.0 CONCLUSION

- 7.1 It is considered by officers that the proposed car park extension is needed to meeting the continuing growth of education and sports facilities that the school has to offer, not just for pupils but also for the wider community. The scheme will reduce the demand for existing on street parking spaces which combined with the introduction of parking restrictions will improve the flow of traffic along the main road.
- 7.2 It has been adequately demonstrated that the scheme will not detrimentally impact upon the setting of designated and non-designated heritage assets and that impact on trees can be adequately mitigated.
- 7.3 The proposal will increase vehicle movements on the site and this will generate an amount of nuisance to neighbours but this is not considered to be to such a level where it would be harmful to their residential amenities and the enjoyment of their dwellings.
- 7.4 It is considered that the proposal complies with the policies of the adopted Core Strategy and SAMDev and the NPPF and is therefore recommended for approval.
- 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:
National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt
CS8 - Facilities, Services and Infrastructure Provision
CS17 - Environmental Networks
MD2 - Sustainable Design
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

12/00590/FUL Formation of a new car park and alterations to improvements vehicular access
GRANT 4th May 2012

19/00445/LBC Removal of part of Grade II curtilage listed stone wall and re-building to form
additional car park, modifications to highway access and works to improve highway safety PCO

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
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Local Member Cllr Paul Milner

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. a) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a method statement providing details of tree protection measures to be implemented during the installation of the no dig drive has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

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

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

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

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

Reason: The site may have some limited archaeological potential.

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

5. The car park extension shall not be brought into use until a suitable noise mitigation scheme has been installed in accordance with details to be submitted and approved in writing by the Local Planning Authority. The approved mitigation scheme shall thereafter be retained.

Reason: To protect residential amenity, health and wellbeing.

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

6. Prior to the development hereby approved being brought into use the applicant shall secure a scheme of traffic management measures with the Highway Authority for the section of Upper Brook Street adjacent to the application site.

Reason: In the interests of highway safety.

7. Prior to the development hereby permitted being first brought into use the access and egress layouts and visibility splays shall be implemented in accordance with Drawing No. P-02 rev F.

Reason: To ensure a satisfactory means of access and egress for the extended car park.

8. 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:

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o t wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o a traffic management and HGV routing plan

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

9. The playing field and pitches shall be constructed and laid out in accordance with Drawing No. P-06 Rev D and the associated specification of works in Appendix 7 of the supporting statement, and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use of the development hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use.

10. The car park extension hereby approved shall not be used outside the hours of 0700 to 2300 hours on any day and the use of physical barriers shall be used to manage the movement of vehicles to this effect. All lighting columns shall be switched off by 2200 hours.

Reason: In the interest of residential amenity.

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Committee and Date
 North Planning Committee
 2nd April 2019

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: 18/05711/FUL	Parish: Ellesmere Rural
Proposal: Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building	
Site Address: Lee Old Hall Lee Ellesmere Shropshire SY12 9AE	
Applicant: Mrs V E Pinney	
Case Officer: Shannon Franklin	email: planningdmne@shropshire.gov.uk

Grid Ref: 340326 - 332438

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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single storey extension to form an annex and associated internal alterations affecting the grade II* listed building known as Lee Old Hall.
- 1.2 The submission of the planning application follows the receipt of pre-application advice (Referenced: PREAPP/18/00164), in response to the applicants query over whether a detached annex in a paddock to the south of the main dwelling and its associated outbuildings would be acceptable, which concluded as follows:

The principle of development for the erection of a detached annex for the provision of ancillary accommodation is not sufficiently established due to the potential for conversion of existing buildings and the presence of an existing ancillary unit of accommodation. The applicant is advised to explore options for conversion in accordance with the above advice as a detached annex situated away from the dwelling and with the ability to be separated from the holding and occupied independently will not be supported at application stage due to conflict with policy.

- 1.3 As the proposal relates to a Listed Building, a corresponding application for Listed Building Consent referenced 18/05712/LBC has also been submitted to the Council for determination.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application seeks to provide an extension to Lee Old Hall, a Grade II* listed building set within open countryside within the rural hamlet of Lee. Lee Old Hall is situated 2.58km south of Ellesmere and 11.3km east of Oswestry. The main house and the associated outbuildings are surrounded in all directions by land within the applicants ownership and accessed via a track from the northern boundary. There is a small group of C19th and later outbuildings to the south of the hall including stables, agricultural storage buildings and a building containing domestic garage storage to the ground floor and an ancillary unit of accommodation to the first floor which is currently occupied by a tenant and has been for in excess of 10 years.
- 2.2 The proposed annex subject to this application would be attached to the main dwelling in the form of an extension to the southern wing of the dwelling which is a C20th extension to the original hall. The annex will be single storey containing one bedroom with en-suite bathroom together with living space comprising of a sitting room and a kitchen/dining area. The extension will attach to the existing utility of the property enabling reconfiguration of this existing space to provide a utility room and entrance hall to the main dwelling within the same scheme.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers. While the Local Member does not consider a committee decision is necessary, the Chair and Vice Chair, in consultation with the Principal Officer, consider that due to the Parish Councils concerns, the decision should not be delegated to officers and that the application should be determined by Members at committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Ellesmere Rural Parish Council – Objection – 24.01.2019

The Parish Council has concerns over the current form of the proposed design of the extension to a Grade II* listed building. Councillors would prefer to see a separate building perhaps with a glass walkway to link the two buildings. The current design proposals are considered to be inappropriate in the context of the main building. Councillors have also requested site of the listed building consent application.

4.1.2 SC Conservation – No Objection – 21.03.2019

Details: The revisions have addressed all of the issues raised previously.

Recommendation: No objection. Special regard when considering the proposal has been given to the preservation of the building or its setting or any features of special architectural or historic interest which it possesses in line with the Act, Section 66 (1) and the relevant local and national policies, noted above.

Conditions are recommended should planning permission be granted.

Queries raised by email – 18.03.2019

- First floor plan would appear to indicate a roof at ground floor and not patio – this could be misleading and probably ought to be amended.
- Not sure that the roof on the east elevation actually wraps around the existing now (compared the floor and elevations – they don't seem to show the same thing?).
- Not really sure how much the existing stone wall is being removed yet and how the extension is being finished up to it – probably ought to have a section – assuming flat roof but the wall will then need to be built up higher? Not sure from what has been submitted what's happening.
- No real worries at this stage – although haven't checked the existing plans etc, but as long as aesthetically it looks ok in relation to the main LB element, there is little significance to this element so don't mind new opening being created.

Amendments required – 18.03.2019

Background: Pre-application advice was given for a detached annex to be erected on this site. It was considered that from a PP and HE perspective that this was unlikely to be supported. No pre-application comments have been made on this proposal, to extend the existing property to facilitate the annex.

Lee Old Hall is Grade II* listed and has curtilage outbuildings and stables (once forming the farmstead).

Lee Old Hall is identified and classified by the Historic Farmsteads Characterisation Project, 2008 – 2010, (ESA6427), largely from the digital version of the c.1900 OS large scale mapping. It is described: *Loose Courtyard with farm buildings on three sides of the yard. Additional Plan Details: None. Date Evidence from Farmhouse: Medieval. Date Evidence from Working Building(s): None. Position of Farmhouse: Farmhouse set away from yard. Farmstead Location: Hamlet. Survival: Partial Loss - less than 50% change. Confidence: High. Other Notes: Small farm. Dated by listed farmhouse (PRN 00885). No longer in agricultural use.*

Background to Recommendation: In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks,, MD2 Sustainable Design, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published July 2018 and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Details: There are concerns relating to the proposal as follows:

1. Whilst the general location of the proposed extension is not opposed there is concern that it should be set back behind the line of the C17 element on the east elevation. This should make it appear more recessive when read along with the existing dwelling.
2. It is noted that the area onto which the extension is proposed is 1990's we would like to see the removal of the wrap around element on the east elevation. This would allow the extension to be set back further and attached at the gable end only and not beyond. Other work to this element of the building is also of concern when read in the context of the whole building. The area referred to is the provision of the bi-fold doors which are proposed to serve the new breakfast/kitchen area. It is considered that the visual appearance would be better enhanced by the provision of just a pair of doors.
3. There would appear to be very little space left between the extension and the existing stone wall, which may prove unsatisfactory in terms of maintenance of either structure.
4. It is considered that there is a large amount of roof to the extension and we would like to see this reduced.
5. The bay should be removed and replaced with a simple window. It is considered that this end of the building should be kept simple and not

detract from the earlier part of the building.

There is very little assessment with regard to the existing stone wall which butts up to the garage building and what it's overall significance is. It is suggested that more consideration of the walls significance, age etc should be given. Once this has been done it may be that the overall scheme would benefit from its removal/incorporation into the proposal?

The case put forward with regard to not providing an annex within existing buildings on the site is considered to be quite weak and we would suggest that this requires more justification. There also appears to be no access into the main house from the back door, other than to go through the annex.

Recommendation: We would recommend that the concerns raised above should be addressed through amended plans. It is considered that the proposal will cause less than substantial harm to the heritage assets and their setting and their insufficient clear and convincing justification for the proposal which would outweigh the harm when balanced against public benefits (of which there are none). Special regard when considering the proposal has been given to the preservation of the building or its setting or any features of special architectural or historic interest which it possesses in line with the Act, Section 66 (1) and the relevant local and national policies, noted above.

4.1.3 **Historic England – No Objection – 18.12.2018**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site and newspaper advertisement. At the time of writing this report, no representations had been received in response to this publicity.

5.0 THE MAIN ISSUES

- 5.1
- Principle of development
 - Siting, scale and design of structure
 - Impact on visual amenity and the character and appearance of the Listed Building

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application relates to an existing portion of residential curtilage associated with the dwelling Lee Old Hall. The annex sought would be attached to the main

dwelling and occupied in an ancillary capacity by the applicants who currently occupies Lee Hall enabling the applicant's son and his family to move into the main house thereby enabling continued independent living for the applicant.

- 6.1.2 The site and the surrounding area has been designated as open-countryside and therefore Policy CS5 is applicable which exercises strict control on all new development, only allowing those residential developments that have significant community and economic benefits in accordance with Policy CS11, or those developments which accord to a set criterion of exceptions which this proposal does not. It is however acknowledged that the extension subject to the application will fall within, and will remain within, the planning unit and residential curtilage of the existing host dwelling Lee Old Hall and therefore policy requirements are less stringent and only those which ensure an appropriate and proportionate development, that protect the surrounding environment are relevant.
- 6.1.3 Although not expressly mentioned within the Development Plan (Shropshire Core Strategy and the Site Allocations and Development of Management Plan), there is a general requirement that residential annexes must remain as ancillary accommodation to the main dwelling within the same planning unit, either through the extension/conversion of the original dwelling or through the erection/conversion of an outbuilding. In order for any proposed annexe to be considered as ancillary and forming part of the same planning unit, it must show dependency and a reliance on the main dwelling – achieved through sharing both facilities and services.
- 6.1.4 As a result of its open-countryside location, there is a presumption that residential annexes should be physically attached to the existing dwelling and of a size that is proportionate to the original dwelling. This physical attaching ensures that should the residential annexe be no longer required, it can be incorporated within, and become integral to, the main dwelling without any concern over a sub-division and the annex forming its own planning unit.
- 6.1.5 Should the application be granted, the annex, which is of a size proportionate to the original dwelling, would be sited within the main dwellings residential curtilage, sharing the rear garden space to the east and accessed via the west elevation. The annex will share the parking and turning space to the west elevation and will have internal access through into the kitchen of the main dwelling. While the comments of the Parish Council and their preference for a detached annex are noted, this is not considered appropriate due to the countryside location.
- 6.1.6 The siting of the annex and its reliance on the main dwelling would likely prevent it from being occupied as a separate unit of accommodation. However, a condition will be included on any planning permission that may be granted to ensure that it is not sold, let or leased separately from the main dwelling.
- 6.1.7 As the proposal involves extensions and alterations to the existing dwelling, Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; which seeks to ensure any extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area will form a key part of the consideration. Alterations and extensions are acceptable in principle, including those forming annexes subject to compliance with CS6 together with Policy MD2: Sustainable Design of the Site

Allocations and Management of Development (SAMDev) Plan which seeks to achieve local aspirations for design where possible.

- 6.1.8 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.
- 6.1.9 Shropshire Core Strategy Policy CS17: Environmental Networks is 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's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
- 6.1.10 The building subject to the application is listed and therefore MD13 of the SAMDev component of the Local Plan which seeks to ensure Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored through appropriate and well considered design will be relevant in the determination. Similarly, as the application relates to both a listed building and its wider curtilage and has the potential to impact on these heritage assets, special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, together with section 16 of the NPPF.

6.2 Siting, scale and design of structure

- 6.2.1 The application has been amended throughout the course of the determination in response to comments from the SC Conservation Officer, predominantly relating to the layout and junction with the existing dwelling. As part of the amendments the ridge of the annex, together with the layout and detailing have been amended and a sectional drawing provided to clarify the construction method of the proposal.
- 6.2.2 The proposed annex will be sited to the southern elevation of the existing dwelling which is sited on a north-south axis with the oldest part of the dwelling to the northern end. The proposed annex will extend southward until it adjoins an existing two storey outbuilding which is orientated to be accessed from the stable yard to the south. Given that the annex is to be sited within the existing curtilage of the dwelling and in line with existing buildings, such that no additional encroachment into the surrounding countryside or fields used for agriculture is required, the siting is considered to be acceptable.
- 6.2.3 Additionally, as required for ancillary accommodation within the countryside, the siting of the proposal ensures that the annex is both physically and functionally linked to the host dwelling, sharing the external garden space, parking and turning area as well as internal facilities and services provision.
- 6.2.4 The additional space provided by the extension equates to approximately 54m² of floor space accommodating a bedroom with en-suite bathroom, kitchen/dining area and a sitting room. As part of the works the ground floor kitchen and utility of the existing dwelling are to be reconfigured to provide the sitting room of the annex and a link directly into the existing ground floor kitchen of the main dwelling, together

with a utility room, entrance hall and WC accessible from both units of accommodation.

6.2.5 The existing dwelling has three floors providing 359m² of floorspace. Comparatively the scale of the annex is considered to be appropriate and the level of accommodation suitable to a unit of accommodation in ancillary use.

6.2.6 Following the amendments to the design and ridge line of the structure it is considered that the scale in terms of eaves and ridge height is appropriate and will not dominate the original listed building. The scheme takes into account the existing form and joints in materials in both the dwelling and outbuilding its adjoins such that the original form and historic features can still be read in the context of the site. The profile of the extension as a diminishing outbuilding around a courtyard arrangement, is therefore supported and no concerns are raised.

6.3 Impact on visual amenity and the character and appearance of the Listed Building

6.3.1 The proposal is sited within the curtilage of a listed building and forms an extension to this building on its southern elevation. Following revisions to the scheme, neither the SC Conservation or Historic England consultees object to the proposal from a heritage perspective, subject to the imposition of appropriate conditions.

6.3.2 The listed building; Lee Old Hall, has three main construction phases; C17th, C19th and C20th. The proposal attaches to the most recent extension which is considered to be the most suitable location. Additionally, in terms of internal layout, this is the most appropriate siting for providing ground floor ancillary accommodation as a detached annex would not be supported in principle and an alternate siting could have a greater impact upon the fabric of the listed building and its setting.

6.3.3 In terms of character the existing dwelling is a detached countryside property arranged in a courtyard complex with additional outbuildings within the stable yard to the south. The layout and form of the proposed extension providing an annex, follows this character continuing the southern wing along the rear garden courtyard edge. The set back of the annex behind the line of the C17th portion of the main dwelling from the east elevation reinforces its subservience and ensures the proposal does not detract from the appearance of the listed building or its setting.

6.3.4 The form of the annex extension demonstrates a diminishing scale and is located between the main house and an outbuilding thereby reducing encroachment and its visual prominence when viewing the house from the surrounding countryside, including from the nearest public footpath 115m to the southwest.

6.3.5 The proposed materials to be utilised include slate roof tiles to match the existing, painted timber windows and reclaimed bricks. The application form advises that the brickwork is to be laid in Flemish bond using two parts building sand, one-part sharp sand and one part lime for the mortar mix with a slightly recessed joint, formed by brushing back a flush joint at the end of each day's work. Additionally, the stone wall to the west elevation will be increased in height utilising stone from the portion to be demolished. The proposed materials are considered to be appropriate for the proposal and will enable the scheme to be read clearly as a later extension without detracting from the character and appearance of the existing

building and its key historic features.

- 6.3.6 The other changes incorporated within the scheme, the partial demolition of a stone wall, installation of a window to the first floor within the south elevation and installation of bi-fold doors to the west elevation of the existing dwelling are considered to be acceptable in the wider context of the scheme.
- 6.3.7 Officers consider that the siting of the proposal within the existing complex of building and attached to the more recent portion of the listed building is acceptable and that the scale, form, design and detailing ensure that the extension is appropriate in terms of its visual impact, while minimising impact upon the fabric and setting of the listed building.

7.0 CONCLUSION

- 7.1 The extension of the existing listed building to provide self-contained ancillary accommodation is considered to be acceptable in principal. The proposal is appropriate in terms of siting, scale and design and no demonstrable harm to the character and appearance of the identified heritage asset or its setting is considered to arise. The proposal is therefore considered to accord with the principal determining criteria of the relevant development plan policies including CS6 and MD13 and approval is recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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.
- ② 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:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

National Planning Policy Framework

MD13 - Historic Environment

MD2 - Sustainable Design
 CS5 - Countryside and Greenbelt
 CS11 - Type and Affordability of housing
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

NS/89/01245/LBC Alterations, repairs and extensions to existing stables (involving partial demolition). GRANT 2nd April 1990

NS/91/00830/LBC Erection of 2-storey extension, raising existing south wing roof, removal of 2 staircases and insertion of 2 staircases, demolition of lean-to, removal of chimney stack, internal walls, alterations to create new porch and other associated alterations. GRANT 3rd January 1992

NS/90/00404/FUL Erection of garage/store building. GRANT 14th May 1990

NS/91/00831/FUL Erection of 2-storey extension to southern elevations, raising of existing south wing roof and alterations to create new porch on western elevation. GRANT 11th November 1991

NS/88/1160/FUL Erection of agricultural workers dwelling for use in connection with Kenwick Grange Farm REFUSE 11th January 1989

PREAPP/18/00164 Construction of a detached contemporary annex building adjacent to Lee Old Hall for a close family relative. There is a small group of C19th and later outbuildings close to the Hall and the proposed development will be adjacent to this group within the orchard. This building is categorically not to be a separate freehold to the main dwelling. PREUDV 8th June 2018

18/05711/FUL Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building PCO

18/05712/LBC Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building PCO

NS/93/00186/FUL ERECTION OF EXTENSION TO EXISTING BUILDING TO PROVIDE STORAGE FOR HORSE BOX CONAPP 17th September 1993

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 Brian Williams
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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The ancillary accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lee Old Hall, and shall not be sold, let or occupied as an independent unit of residential occupation.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage and associated impact upon the Listed Building and its setting.

-



Committee and Date
 North Planning Committee
 2nd April 2019

Item
8
 Public

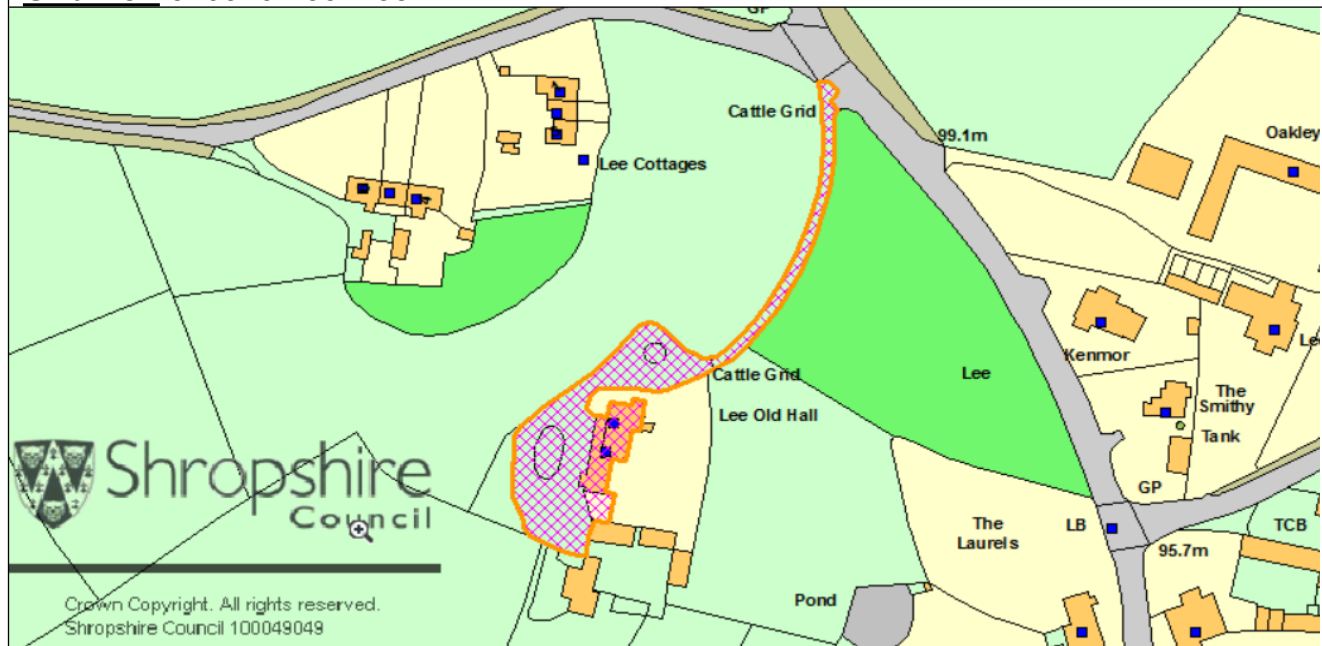
Development Management Report

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

Summary of Application

<u>Application Number:</u> 18/05712/LBC	<u>Parish:</u>	Ellesmere Rural
<u>Proposal:</u> Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building		
<u>Site Address:</u> Lee Old Hall Lee Ellesmere Shropshire SY12 9AE		
<u>Applicant:</u> Mrs V E Pinney		
<u>Case Officer:</u> Shannon Franklin	<u>email:</u> planningdmne@shropshire.gov.uk	

Grid Ref: 340326 - 332438



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks Listed Building Consent for the erection of a single storey extension to form an annex and associated internal alterations affecting the grade II* listed building known as Lee Old Hall.
- 1.2 The submission of the application follows and on site meeting between the Planning Officer and Conservation Officer on 18th April 2018, and the receipt of written pre-application advice (Referenced: PREAPP/18/00164) which confirmed that conversion of an existing outbuilding or the reconfiguration and/or extension of the main dwelling were the preferred options for provision of an annex on site.
- 1.3 As the works require planning permission an application has been submitted under reference: 18/05711/FUL.
- 1.4 Following consultation with the SC Conservation Officer the scheme has been revised in accordance with the recommendations made.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application seeks to provide an extension to Lee Old Hall, a Grade II* listed building set within open countryside within the hamlet of Lee. Lee Old Hall is situated 2.58km south of Ellesmere and 11.3km east of Oswestry. The main house and the associated outbuildings are surrounded in all directions by land within the applicants ownership and accessed via a track from the northern boundary. There is a small group of C19th and later outbuildings to the south of the hall including stables, agricultural storage buildings and a building containing domestic garage storage to the ground floor and an ancillary unit of accommodation to the first floor which is currently occupied by a tenant and has been for a number of years.
- 2.2 The proposed annex subject to this application would be attached to the main dwelling in the form of an extension to the southern wing of the dwelling which is a C20th extension to the original hall. The annex will be single storey containing one bedroom with en-suite bathroom together with living space comprising of a sitting room and a kitchen/dining area. The extension will attach to the existing utility of the property enabling reconfiguration of this existing space to provide a utility room and entrance hall to the main dwelling within the same scheme.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers. While the Local Member does not consider a committee decision is necessary, the Chair and Vice Chair, in consultation with the Principal Officer, consider that due to the Parish Councils concerns, the decision should not be delegated to officers and that the application should be determined by Members at committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Ellesmere Rural Parish Council – Objection – 24.01.2019

The Parish Council has concerns over the current form of the proposed design of the extension to a Grade II* listed building. Councillors would prefer to see a separate building perhaps with a glass walkway to link the two buildings. The current design proposals are considered to be inappropriate in the context of the main building.

4.1.2 SC Conservation – No Objection – 21.03.2019

Details: The revisions have addressed all of the issues raised previously.

Recommendation: No objection. Special regard when considering the proposal has been given to the preservation of the building or its setting or any features of special architectural or historic interest which it possesses in line with the Act, Section 66 (1) and the relevant local and national policies, noted above.

Conditions are recommended should planning permission be granted.

Queries raised by email – 18.03.2019

- First floor plan would appear to indicate a roof at ground floor and not patio – this could be misleading and probably ought to be amended.
- Not sure that the roof on the east elevation actually wraps around the existing now (compared the floor and elevations – they don't seem to show the same thing?).
- Not really sure how much the existing stone wall is being removed yet and how the extension is being finished up to it – probably ought to have a section – assuming flat roof but the wall will then need to be built up higher? Not sure from what has been submitted what's happening.
- No real worries at this stage – although haven't checked the existing plans etc, but as long as aesthetically it looks ok in relation to the main LB element, there is little significance to this element so don't mind new opening being created.

Amendments required – 18.03.2019

Background: Pre-application advice was given for a detached annex to be erected on this site. It was considered that from a PP and HE perspective that this was unlikely to be supported. No pre-application comments have been made on this proposal, to extend the existing property to facilitate the annex.

Lee Old Hall is Grade II* listed and has curtilage outbuildings and stables (once forming the farmstead).

Lee Old Hall is identified and classified by the Historic Farmsteads Characterisation Project, 2008 – 2010, (ESA6427), largely from the digital version of the c.1900 OS large scale mapping. It is described: *Loose Courtyard with farm buildings on three*

sides of the yard. Additional Plan Details: None. Date Evidence from Farmhouse: Medieval. Date Evidence from Working Building(s): None. Position of Farmhouse: Farmhouse set away from yard. Farmstead Location: Hamlet. Survival: Partial Loss - less than 50% change. Confidence: High. Other Notes: Small farm. Dated by listed farmhouse (PRN 00885). No longer in agricultural use.

Background to Recommendation: In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks,, MD2 Sustainable Design, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published July 2018 and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Details: There are concerns relating to the proposal as follows:

1. Whilst the general location of the proposed extension is not opposed there is concern that it should be set back behind the line of the C17 element on the east elevation. This should make it appear more recessive when read along with the existing dwelling.
2. It is noted that the area onto which the extension is proposed is 1990's we would like to see the removal of the wrap around element on the east elevation. This would allow the extension to be set back further and attached at the gable end only and not beyond. Other work to this element of the building is also of concern when read in the context of the whole building. The area referred to is the provision of the bi-fold doors which are proposed to serve the new breakfast/kitchen area. It is considered that the visual appearance would be better enhanced by the provision of just a pair of doors.
3. There would appear to be very little space left between the extension and the existing stone wall, which may prove unsatisfactory in terms of maintenance of either structure.
4. It is considered that there is a large amount of roof to the extension and we would like to see this reduced.
5. The bay should be removed and replaced with a simple window. It is considered that this end of the building should be kept simple and not detract from the earlier part of the building.

There is very little assessment with regard to the existing stone wall which butts up to the garage building and what it's overall significance is. It is suggested that more consideration of the walls significance, age etc should be given. Once this has been done it may be that the overall scheme would benefit from its removal/incorporation into the proposal?

The case put forward with regard to not providing an annex within existing buildings on the site is considered to be quite weak and we would suggest that this requires more justification. There also appears to be no access into the main house from the back door, other than to go through the annex.

Recommendation: We would recommend that the concerns raised above should be addressed through amended plans. It is considered that the proposal will cause less than substantial harm to the heritage assets and their setting and their insufficient clear and convincing justification for the proposal which would outweigh the harm when balanced against public benefits (of which there are none). Special regard when considering the proposal has been given to the preservation of the building or its setting or any features of special architectural or historic interest which it possesses in line with the Act, Section 66 (1) and the relevant local and national policies, noted above.

4.1.3 **Historic England – No Objection – 18.12.2018**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

5.0 **THE MAIN ISSUES**

- 5.1
 - **Principles of development.**
 - **Impact on character and appearance of the Listed Building.**

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

- 6.1.1 Alterations to Listed Buildings are acceptable in principle, providing they do not have a detrimental impact on their architectural or historic character. Proposals must be in accordance with the criteria set down within Central Government guidance under section 16 of the National Planning Policy Framework and policy CS17: Environmental Networks of the Shropshire Core Strategy, which seeks to protect and enhance the historic environment, together with Policy MD13 of the SAMDev component of the Local Plan which seeks to ensure Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored through appropriate and well considered design.

6.2 **Impact on the character and appearance of the Listed Building.**

- 6.2.1 The works to the Listed Building are as follows:

- Single storey extension to the south elevation to form an annex;
- Installation of a first floor window to the east elevation to serve the existing dressing room;
- Reconfiguration of the ground floor internal layout to the utility room and porch together with the installation of bi-fold doors to the east elevation of this room;
- Partial demolition of a boundary wall.

- 6.2.2 A heritage and planning statement has been submitted in support of the application which concludes that while the extensions and alterations do *'form a part of the*

setting, great respect has been given so that the extension will not result in harm as defined by the NPPF to the setting, significance or character of the heritage asset’.

- 6.2.3 The Conservation Officer has provided guidance on the proposal through on site discussion at pre-application stage, together with the detailed comments outlined above. Neither Historic England nor the SC Conservation consultee object to the proposals. The impact of each aspect of the scheme on both the historic fabric and the character and appearance of the Listed Building and its setting is discussed in detail below. Conditions are recommended should the application be approved.
- 6.2.4 The works to the building are primarily located to the southern and eastern elevation of the listed building. The proposed annex extension will not extend beyond the line of the earliest C17th core of the building on the east elevation and will project no further than the existing lean to porch to be demolished to the west elevation and will predominantly be set behind an existing stone wall separating the parking and turning area to the west from the courtyard garden to the east. It is therefore accepted that the core of the historic building, the northern portion, and the principle features of its façade will not be significantly impacted by the scheme.
- 6.2.5 The proposed annex will utilise the ground floor of the southern wing, currently occupying the utility room to the main house, together with 54m² of floor space created by the extension. The design of the extension enables the provision of a bedroom with en-suite bathroom, kitchen/dining area and sitting room within the annex, together with a utility room, WC and hallway within the main dwelling. A link between the annex and the main dwelling is present in both the sitting room and the entrance hall.
- 6.2.6 The design of the extension demonstrates subservience to the existing listed building through both its footprint, 54m² comparative to the 217m² of the host dwelling, and through its eaves and ridge height. Additionally the ridgeline of the extension has been broken up to reduce its bulk and prominence when viewed in context with the main dwelling. This is considered to be appropriate as it reflects the character and form of the building and its existing outbuildings.
- 6.2.7 The design of the proposed extension through both its form and the materials is again considered to be appropriate in appearance and reflective of the character of the listed building. The use of reclaimed stone and brick, together with slates to match the existing and painted timber windows to match the existing, will complement the original building, while the junctions with the existing dwelling and the adjacent outbuilding to the south which is curtilage listed, are carefully located such that the existing fabric is compromised to a minimum extent and historic joints and changes in materials are retained, improving readability of the buildings on site.
- 6.2.8 Given the appropriate siting, scale and layout of the proposed annex extension it is not considered that this aspect of the scheme negatively impacts upon the character and appearance of the Listed Building its setting, nor the setting of the curtilage Listed Buildings within the vicinity.
- 6.2.9 While it is recognised the proposal will involve the loss of some fabric through the reconfiguration of the internal walls to the ground floor, the installation of bi-fold doors to the east elevation and an additional window to the first floor of the east elevation, these changes are all to the latest phase of the listed building. The building is constructed in three phases, the north being C17th, the central portion of the southern wing C19th and the end portion of the south wing C20th. It is this

C20th extension which will be altered by the proposal and therefore the concerns over the loss of fabric are reduced in significance and no objection is raised.

6.2.10 Externally a stone wall located between the outbuilding to the south and the dwellings southern elevation is to be partially demolished as part of the scheme. The stone from this demolition will be retained and then utilised to increase the height of the retained portion to form the west elevation of the proposed annex. Subject to this work being undertaken to an appropriate specification it is not considered that the loss of this fabric is sufficient to warrant refusal of the scheme.

6.2.8 Overall the individual elements of the scheme; installation of a window and bi-fold doors, extension to form an annex, internal reconfiguration of the existing C20th ground floor utility room and partial demolition of a stone wall are acceptable in terms of their impact upon the historic fabric of the building together with the impact on the overall character and appearance of the Listed Building. Subject to completion of the works in accordance with the relevant conditions and the submission of additional details at conditions stage no objection to the scheme is raised.

7.0 CONCLUSION

7.1 The works meet the criteria of the relevant national and local policies and the scale, location, design and materials of the the single storey extension to form an annex, as well as internal and external alterations to the existing dwelling, would have no adverse impact on the character and appearance of the Listed Building its setting or the wider locality. As such approval is recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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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:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles
 MD2 - Sustainable Design
 MD13 - Historic Environment
 National Planning Policy Framework
 CS17 - Environmental Networks

RELEVANT PLANNING HISTORY:

NS/89/01245/LBC Alterations, repairs and extensions to existing stables (involving partial demolition). GRANT 2nd April 1990

NS/91/00830/LBC Erection of 2-storey extension, raising existing south wing roof, removal of 2 staircases and insertion of 2 staircases, demolition of lean-to, removal of chimney stack, internal walls, alterations to create new porch and other associated alterations. GRANT 3rd January 1992

NS/90/00404/FUL Erection of garage/store building. GRANT 14th May 1990

NS/91/00831/FUL Erection of 2-storey extension to southern elevations, raising of existing south wing roof and alterations to create new porch on western elevation. GRANT 11th November 1991

NS/88/1160/FUL Erection of agricultural workers dwelling for use in connection with Kenwick Grange Farm REFUSE 11th January 1989

PREAPP/18/00164 Construction of a detached contemporary annex building adjacent to Lee Old Hall for a close family relative. There is a small group of C19th and later outbuildings close to the Hall and the proposed development will be adjacent to this group within the orchard. This building is categorically not to be a separate freehold to the main dwelling. PREUDV 8th June 2018

18/05711/FUL Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building PCO

18/05712/LBC Erection of single storey extension to form an annex and associated internal alterations affecting a grade II* listed building PCO

NS/93/00186/FUL ERECTION OF EXTENSION TO EXISTING BUILDING TO PROVIDE STORAGE FOR HORSE BOX CONAPP 17th September 1993

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 Brian Williams
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 18 of the Planning (Listed Buildings and Conservation Areas) 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 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.

4. Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before above ground development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

5. Details of the materials and form of the heads and sills to new openings in the external wall(s) of the building(s) shall be submitted to and approved in writing by the Local Planning Authority before the above ground works commence. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

6. Prior to the commencement of the relevant work, details of the brick bond and type, shall be submitted to and agreed in writing by the Local Planning Authority. Following this approval, a freestanding sample panel of brickwork of approximately 1m square shall be provided on site and the mortar mix, colour, texture and joint finish shall be inspected and approved in writing by the Local Planning Authority before the relevant works commence.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

7. Mortar for bedding and jointing stonework shall be a lime mortar which matches the original in colour, texture and surface finish unless otherwise agreed by the Local Planning Authority. Sample panels of stonework approximately 1m square to match the existing shall be erected on site and approved in writing by the Local Planning Authority before relevant work commences.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

8. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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

9. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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Committee and Date
 North Planning Committee
 2nd April 2019

Item
9
 Public

Development Management Report

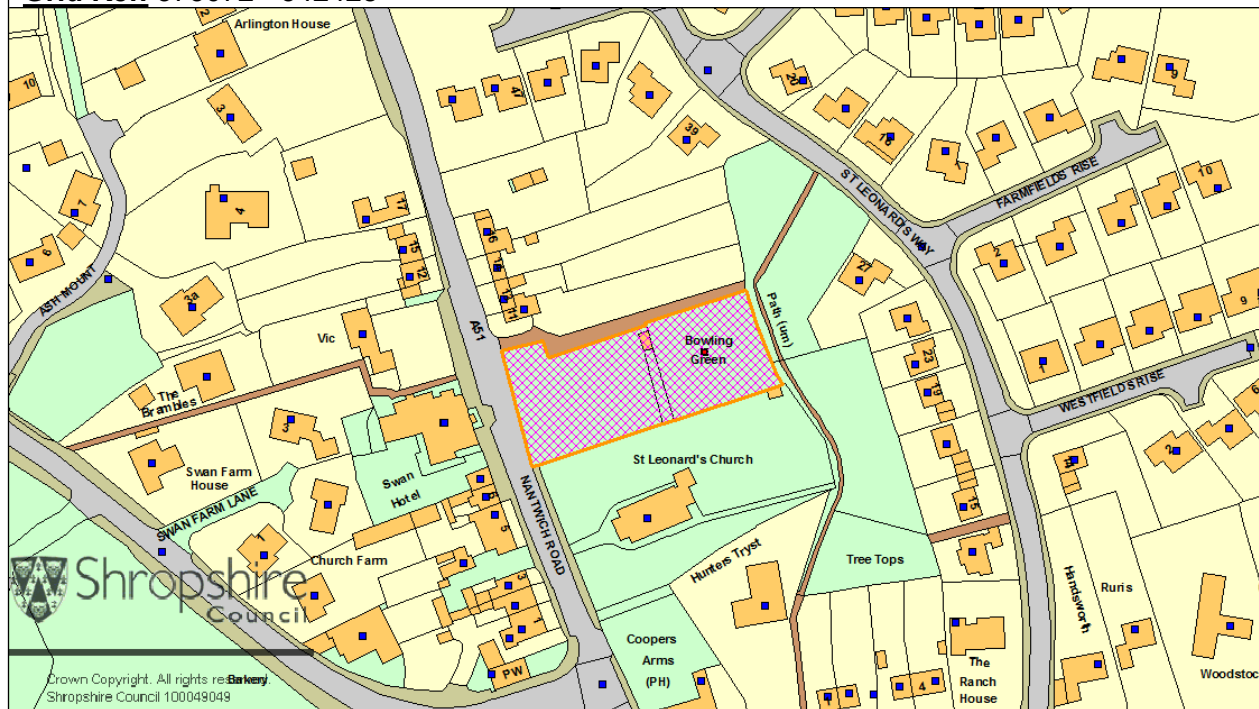
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 18/05854/FUL	Parish: Woore
Proposal: Redevelopment of site comprising retention of bowling green, provision of dedicated car parking for bowling club and erection of four dwellings including access	
Site Address: Former Swan Public House Car Park Nantwich Road Woore Crewe Shropshire	
Applicant: Mr N Speakman	
Case Officer: Toby Cowell	email: planningdmc@shropshire.gov.uk

Grid Ref: 373072 - 342428



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

REPORT

1.0 THE PROPOSAL

- 1.1 Planning permission is sought for the redevelopment of the site including the erection of 4 no. dwellings (2 x 3-bed detached and 2 x 3-bed semi-detached) with 2 no. parking spaces per dwelling and associated landscaping, the retention of the existing Bowling Green and creation of 11 no. dedicated parking spaces to serve the Bowling Green.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises a large car park on the western side of Nantwich Road (A51) which served the former Swan Public House on the opposite side of the highways within the western portion of the site and a Bowling Green within the eastern portion. The site is located within the heart of Woore Village Centre, which forms part of a designated Community Hub in the SAMDev along with the settlements of Irelands Cross and Pipe Gate further south.
- 2.2 The site is located adjacent to the Grade II St. Leonard's Church to the immediate south and opposite the former Swan Public House to the west (a non-designated heritage asset). Residential uses predominate the immediate locality which includes a row of red-brick terraced and semi-detached cottages to the immediate north set on higher ground than the application site, the topography of which is generally level.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the conflict between the officer's recommendation and the objection from the Parish Council.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Woore Parish Council

At its Meeting held on 11th February 2019, Woore Parish Council (the PC) resolved to object to this application. In the event that Shropshire Council decides to approve the application, the PC asks that it should make the planning permission which it grants subject to the following conditions:

1. That the car parking spaces (other than those provided for the houses the

subject of the permission) should be for use by the public (including members of the Bowls Club).

2. That the land currently used by the Bowls Club should only be used for the purposes of a Bowls Club for a period of at least 99 years.

4.1.2 **SUDS**

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. No objection, subject to conditions and informatives.

4.1.3 **SC Highways**

The development proposes the erection of 4 dwellings and parking provision for the adjoining bowling green in Woore.

The current application follows a pre planning enquiry under reference PREAPP/18/00244. The current submission has been amended from the pre planning enquiry, and retains the bowling green which is an active community facility.

The Planning and Design & Access Statements describe the proposed development and detail the background to the proposed design. It is noted the context of retaining the bowling green and providing a regularised parking provision for the club, which prior to the development proposal has been accommodated as a grace and favour basis within the privately owned public house car park.

The visibility splays, footway, access junction, parking provision for the dwellings and bowling club, and turning area have been detailed on the Proposed Site Development Plan Drawing No. 5680- 002 Rev D. The details are considered to be acceptable for the proposed development. The details of the proposed footway amendment across the site frontage will however need to be technically approved and covered by an appropriate agreement with Shropshire Council as the Highway Authority.

No objection, subject to conditions and informatives.

4.1.4 **SC Archaeology**

We have no comments to make on this application with respect to archaeological matters.

4.1.5 **SC Affordable Houses**

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this

moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.1.6 **SC Regulatory Services**

No comment.

4.1.7 **SC Affordable Houses**

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.1.8 **SC Conservation**

No comments received at the time of writing the report.

4.1.9 **SC Trees**

No comments received at the time of writing the report.

4.1.10 **SC Ecology**

No comments received at the time of writing the report.

4.2 - **Public Comments**

4.2.1 This application was advertised via notice at the site. Additionally, the residents of 19 neighbouring properties were individually notified by way of publication. At the time of writing this report, two letters of representation have been received objecting to the proposed development on the following grounds:

- Parking of cars on both sides of the road would be dangerous to pedestrians;
- Loss of parking for adjacent church and local businesses
- Cumulative impact of additional housing including further cars and dangerous parking;
- Loss of public amenity;
- Inadequate parking for bowling club when coinciding with church event;
- Impact of construction traffic;
- Overdevelopment of the site;
- Impractical parking spaces and north facing gardens too small.

In addition, 5 letters of representation have been received supporting the proposals on the following grounds:

- Proposals result in control of bowling green and dedicated parking

- spaces to the bowls club;
- Development would secure long-term future of the club to the benefit of members, user and the wider community;
- Spaces would be made available for use by neighbouring church and community;
- Development provides good quality small family homes;
- Desperate need for small family homes in the area;
- Events of church rarely coincide with the bowling club;
- Development would improve the appearance of an unattractive area within the heart of the village;
- No parking currently available as land privately owned by developers, proposals provide a fair compromise allowing retention of community asset and creation of affordable houses in the village
- Would prevent loss of bowling green in the future.

5.0 THE MAIN ISSUES

5.1 Principle of development

Character and appearance – impact on setting of adjacent listed building

Neighbouring amenity

Highways

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Core Strategy Policies CS1, CS3, CS5 and CS11 seek to steer new housing to sites within market towns, other ‘key centres’ and certain named villages. Policy CS4 also allows for the identification of ‘Community Hubs and Clusters’ within the rural area where further housing development can occur; these hubs and clusters were designated as part of the adoption of the Council’s Site Allocations and Management of Development (SAMDev) plan.
- 6.1.2 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.1.3 Policy CS6 of the Core Strategy seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
- 6.1.4 The provision of housing within the Community Hub of Woore, Irelands Cross and Pipe Gate accords with the adopted SAMDev Plan Policy S11.2(vii) which states that development by infilling, conversion of buildings and small groups of houses may be acceptable on suitable sites within the abovementioned villages.

- 6.1.5 The site is located within the centre of Woore, and Policy S11.2(vii) has set a housing guideline of 15 additional dwellings over the plan period to 2026. It is acknowledged that the housing guideline has already been exceeded in terms of actual housing completions and housing commitments through sites within planning permission. However, whilst the settlement's housing guideline is a significant policy consideration, SAMDev Policy MD3 does not preclude additional development which would exceed the housing guideline for a particular settlement, but states that decisions should have regard to, amongst other things, the benefits arising from such a development and the presumption in favour of sustainable development.
- 6.1.6 It should be emphasised that the proposed development would make use of an existing brownfield site, and Section 11 of the NPPF places great importance on planning policies and decisions giving substantial weight to the value of using suitable brownfield land within settlements for homes. Paragraph 38 of the NPPF also states that decision-makers at every level should seek to approve applications for sustainable development where possible, and it is considered that the proposed development would constitute a sustainable and effective re-use of an existing brownfield site within an area identified for additional housing within the SAMDev.
- 6.1.7 Furthermore, the application site is located within the heart of Woore's village centre, and constitutes a sustainable location in terms of access to a range of services within the village itself. The development would provide a positive benefit in terms of further housing to the village and make use of a redundant car park that comprises a natural infill plot within the core of Woore's village centre.
- 6.1.8 An additional benefit posed by the proposed development includes the creation of a total of 11 car parking spaces to serve the adjacent Bowling Green. It is understood that the Bowling Green and car park are under the same ownership as the adjacent former Swan Public House, with the car parking having previously been used by both patrons of the pub, users of the Bowling Green and local residents/visitors to the village. However, the car park has since been fenced off following the conversion of the former pub to residential use, and is now not accessible to the public. Those that run the Bowling Green have been highly supportive of this application insofar as the development would provide dedicated parking for users of the Bowling Green in perpetuity, and therefore secure its long term future and viability. The granting of planning permission in this case would also allow for the attachment of conditions ensuring such spaces only be used for users of the Bowling Green, together with the protection of the Bowling Green in its current form (i.e. preventing its loss/redevelopment) in perpetuity. The development would therefore also accord with Core Strategy Policy CS8 by way of protecting and enhancing an existing community facility, and this also addresses concerns as raised by the Parish Council in response to the application.
- 6.1.9 The proposed development is therefore considered to be compliant with SAMDev Policy MD3, rendering the principle of development acceptable subject to additional considerations in relation to design, impact upon the adjacent Grade II

listed building, neighbouring amenity and access.

6.2 Character and appearance – impact on setting of adjacent listed building

6.2.1 Policy CS6 of the Core Strategy requires development to be designed to a high quality using sustainable design principles, which should be responsive to the local character and context of existing development and its wider surroundings. Likewise, SAMDev Policy MD2 requires development to respond positively to local design aspirations, and be reflective of locally characteristic architectural design and details.

6.2.2 Core Strategy Policy CS17 advises that development proposals will be required to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Policy MD13 further advises that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings. Development will also be encouraged which delivers positive benefits to heritage assets. Support will be given in particular, to proposals which appropriately conserve, manage or enhance the significance of a heritage asset including its setting, especially where these improve the condition of those assets which are recognised as being at risk or in poor condition.

6.2.3 At the national level, Paragraph 192 of the NPPF advises that:

In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

6.2.4 It is noted that the site is located adjacent to St. Leonard's Church to the immediate south, a Grade II listed building dating from the early 1830s. In addition, the former Swan Public House directly opposite is of significant historical/architectural interest likely dating from the mid-19th Century and constitutes a non-designated heritage asset.

6.2.5 Such development however would involve no direct interaction with the adjacent church or associate churchyard/curtilage, with the new housing substantially offset from the mutual boundary to make way for the proposed parking spaces to serve the Bowling Green. Plot 1, a detached 3-bedroom dwelling, would be located along the Nantwich Road street frontage and therefore directly interact

with the wider streetscene. A substantial separation distance would be retained between the dwelling and adjacent property to the immediate north, with the proposed rear garden running northward parallel to the streetscene. The height of plot 1, given the variation in land levels to the north, would be lower than the row of properties extending northward and therefore not dominate the streetscene in this respect. The dwelling would incorporate an uncomplicated design with a traditional pitched roof, flank facing gables and canopied porch to the kitchen on the principal elevation.

6.2.6 Such development would successfully integrate with the general vernacular and built form of the wider locality, and therefore not appear incongruous in this respect. Likewise, the character and design of the remaining 3 dwellings, which includes a pair of 3-bedroom semis and a further 3-bedroom detached property, would utilise the same design principles yet stretch eastward within the site away from the streetscene. As a consequence, plots 2 – 4 would only be generally noticeable further south along the main streetscene when travelling northward. Relative degrees of spaciousness would be retained both between and to the rear of such properties, with the overall proposals not giving rise to a cramped form of development which would be considered to constitute an overdevelopment of the wider plot.

6.2.7 With respect to the design, scale and layout of the development, it is not considered that the setting of the adjacent Grade II listed church to the south or former public house to the west would be unduly compromised, with the proposals making good use of an existing brownfield infill plot to the benefit of the visual amenities of the wider streetscene and adjacent heritage assets. The exact specification of materials for the exterior of the proposed development, together with all hardsurfacing and finite details pursuant to landscaping have not been submitted and should therefore be submitted prior to the commencement of development. This can adequately be secured by way of conditions should planning permission be forthcoming.

6.3 Neighbouring amenity

6.3.1 Policy CS6 of the Core Strategy seeks to safeguard residential and local amenity. The proposed dwellings are located as such that a more than acceptable degree of separation to the adjacent neighbouring property to the north would be achieved. It is not therefore considered that the development would give rise to undue overlooking in this respect, or any further additional concerns in relation to neighbouring amenity.

6.3.2 Likewise, plot 1 has been internally configured as such that its primarily habitable windows would be afforded an outlook over the rear garden and parking area to front as opposed to the east with respect to the flank wall and rear garden of plot 2. No further issues are considered apparent with the proposed interaction between plots 1 – 4, and such development would ensure that the amenities of each property would be safeguarded in perpetuity.

6.3.3 It is further considered that each dwelling would benefit from a generous degree

of private outdoor amenity commensurate with their respective size, with the internal floorspace of each dwelling exceeding the minimum standards as outlined in the Nationally Described Space Standards. The dwellings would further benefit from a designated 'bin drop' location adjacent to the streetscene opposite plot 1 that provides a convenient and highly accessible location for waste storage on collection day.

6.4 Highways

6.4.1 The Highways Authority have reviewed the proposed development with respect to access, visibility splays and associated parking provision for the dwellings and considered it to be acceptable. However, it is requested that a Construction Method Statement, together with further details pursuant to engineering/construction details for the footway and crossing points along the site frontage to the highway be submitted for approval via conditions prior to the commencement of development.

7.0 CONCLUSION

The proposals are considered to constitute an effective and sustainable use of an existing brownfield site, with the principle of development deemed acceptable within an existing residential area that ensures the long term viability of a designated community asset. Moreover, such development is not considered to adversely impact the visual amenities of the immediate locality, including the setting of adjacent heritage assets, nor unduly impact residential amenity or the safety and convenience of the local highway network.

It is therefore recommended that planning permission be granted, subject to conditions as outlined in Appendix 1.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach
 CS6 - Sustainable Design and Development Principles
 CS8 - Facilities, Services and Infrastructure Provision
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD13 - Historic Environment
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

NS/86/00104/FUL Provision of floodlighting on 5.5m high poles. GRAGR 24th March 1986
 NS/79/00297/FUL Erection of bowling club pavilion for storage and shelter. GRANT
 PREAPP/18/00244 Proposed redevelopment of bowling club and former public house car park to provide seven detached dwellings PREUDV 15th June 2018
 18/05854/FUL dmoniate Redevelopment of site comprising retention of bowling green, provision of dedicated car parking for bowling club and erection of four dwellings including access 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)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Roy Aldcroft
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.

4. Prior to the above ground works commencing, samples and/or details of all hard surfacing within the site 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.

5. 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

6. No development shall take place until a scheme of the surface and foul 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.

7. No development shall commence until full engineering/construction details of the footway provision and uncontrolled crossing points along the site frontage to the highway, indicatively shown on Proposed Site Development Plan Drawing No. 5680-002 Rev D have been submitted to, and approved in writing by, the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the development is first occupied.

Reason: In the interests of highway safety.

8. 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 traffic management and hgv routing plan and local community protocol

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

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

9. The visibility splays shown on Proposed Site Development Plan Drawing No. 5680-002 Rev D shall be set out in accordance with the splay lines shown. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwellings being occupied and thereafter be maintained at all times free from any obstruction.

Reason: To provide a measure of visibility from the revised shared access in both directions along the highway in the interests of highway safety.

10. The access junction, internal private drive, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Proposed Site Development Plan Drawing No. 5680-002 Rev D prior to the dwellings being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

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

11. The access junction apron shall be constructed in accordance with the Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwellings being occupied.

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

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

12. All windows at or above first floor level in the eastern flank elevation of plot 1 and all additional flank elevations of plots 2-4 shall be permanently fixed shut and fitted with obscure glass below 1.7m above finished floor level and shall thereafter be retained as such. No further windows or other openings shall be formed in the abovementioned elevations.

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

13. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

14. The 11 no. car parking spaces within the southern portion of the application site hereby approved shall be used only for members of Woore Bowls Club (and any other members of the public or additional organisations at the discretion of Woore Bowls Club) and shall not be used for residents of the residential aspect of the development hereby approved (including visitors). The parking spaces shall hereafter be retained and maintained as such.

Reason: To ensure dedicated parking is provided for the Bowls Club in the interests of maintaining the long term viability of a community asset.

15. The area shown on the approved site location plan containing the current Bowling Green shall be retained and maintained in such use in perpetuity.

Reason: In the interests of safeguarding a community asset.

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 38.

2. The proposed surface water drainage in the Drainage Strategy Report is acceptable in principle.

The site is classed as brownfield, therefore a 50% betterment to the current surface water flows should be provided in accordance with Shropshire Council requirements. The use of soakaways

should be investigated in the first instance for surface water disposal. The betterment requirement

will be assumed to have been achieved if all surface water is disposed of via soakaways.

Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 50% betterment to the current surface water flows NOT 30% as stated in the Drainage Strategy Report should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

3. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare	Change allowance % of impermeable area
Less than 25	10
30	8
35	6
45	4
More than 50	2
Flats & apartments	0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

4. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

5. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

6. This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

7. This highway advice relates to the requirements of fulfilling the planning process only. In no way does the acceptance of these details constitute or infer specific "technical approval" of any changes to the existing public highway or any new infrastructure proposed for adoption by Shropshire Council. Any works undertaken, prior to the appropriate Highway Agreement, Permit or Licence being formally completed, is done so at the developer's own risk, and there is no guarantee that these works will be deemed acceptable and subsequently adopted as highway maintainable at public expense, in the future. Please refer to the following informative note for details of securing any appropriate highway approval and agreement.

8. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement.

9. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

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<u>Committee and Date</u>
North Planning Committee
2 nd April 2019

<u>Item</u>
10
Public

Development Management Report

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

SCHEDULE OF APPEALS AS AT 2ND APRIL 2019

Appeals Lodged

LPA reference	18/01420/PMBPA
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Paul Goulding
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use (re-submission)
Location	Barn East of Northwood Villa, Ellesmere Lane Northwood Ellesmere, Shropshire
Date of appeal	23.1.2019
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/02122/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs W M Jones
Proposal	New dwelling
Location	Land Adj 10 Walsham Avenue Whittington Oswestry Shropshire SY11 4DZ
Date of appeal	08.02.2019
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/04738/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Arran Pritchard
Proposal	Conversion of dwelling (Use Class C3) to house in multiple occupation (HMO) (Use Class Sui Generis) to include 11 en-suite bedrooms and alterations to windows and door
Location	11 Ferrers Road, Oswestry, SY11 2EY
Date of appeal	23.01.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/05083/PMBPA
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Don Carissimo – C/O CBRE Ltd
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use
Location	Agricultural Building A At Rose Cottage Prees Green Whitchurch Shropshire
Date of appeal	11.03.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/04144/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Terry Edwards
Proposal	Erection of part two storey part single storey extension(s)
Location	1 Brick Kiln Cottage, Oswestry, SY10 9PJ
Date of appeal	14.03.2019
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals determined

LPA reference	17/00418/FUL
Appeal against	Non determination
Committee or Del. Decision	
Appellant	Mr and Mr s R Hand
Proposal	Erection of horse walker (15m diameter), isolation unit and extension to existing agricultural building
Location	Jayroc Stables Shawbury Heath Shawbury Shrewsbury Shropshire SY4 4EA
Date of appeal	11.10.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	25.01.2019
Costs awarded	Yes
Appeal decision	DISMISSED

LPA reference	18/01804/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs J & P Newton
Proposal	Outline application for 1no. residential dwelling to include access, following the demolition of an existing building
Location	North Of Glencott Longslow Market Drayton
Date of appeal	30.11.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	25.02.2019
Costs awarded	
Appeal decision	ALLOWED

LPA reference	18/01922/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Mark Jones
Proposal	Erection of double garage with workshop and office
Location	11 Brooklands Chester Road Whitchurch
Date of appeal	30.11.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	25.02.2019
Costs awarded	
Appeal decision	DISMISSED

LPA reference	18/00224/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Redbank Construction Limited
Proposal	Erection of 2 no detached dwellings
Location	Land South Of Sunnyside Red Bank Road Market Drayton
Date of appeal	30.11.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	25.02.2019
Costs awarded	
Appeal decision	DISMISSED

LPA reference	17/01152/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Aldi Stores UK Limited
Proposal	Erection of a new foodstore (Use Class A1), access, substation and associated car parking and landscaping
Location	North Of Wrexham Road Whitchurch
Date of appeal	18.05.2018
Appeal method	Inquiry
Date site visit	23.01.2019
Date of appeal decision	21.02.2019
Costs awarded	
Appeal decision	ALLOWED

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Appeal Decision

Site visit made on 18 December 2018

by Beverley Wilders BA (Hons) PgDurb MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2019

Appeal Ref: APP/L3245/W/18/3200964

Jayroc Stables, Shawbury Heath, Shawbury SY4 4EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs R Hand against Shropshire Council.
 - The application Ref 17/00418/FUL, is dated 27 January 2017.
 - The development is horse walker (15m diameter); isolation unit; extensions to existing agricultural building.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed site plan was amended prior to the submission of the appeal, altering the position of the isolation unit and horse walker. I have determined the appeal on the basis of the amended site plan. However whilst the site plan was altered, the application site edged red was not, a matter raised by the Council. The appellants have subsequently submitted an amended application site edged red and whilst this does not appear to have been the subject of publicity and consultation, I am satisfied that my acceptance of the amended site edged red would not prejudice the interest of any interested parties. This is particularly the case given that with the exception of the isolation unit which has been moved nearer to the existing complex, the position of the development is broadly similar to that as originally submitted. I have determined the appeal accordingly.
3. At my site visit I saw that a horse walker has been erected on site and appears to be in a similar position to as shown on the original site plan. In addition there was a timber building located adjacent to the horse walker between it and the existing stables. The timber building is not shown on the existing or proposed site plans and does not appear to form part of the application development. I have determined the development as shown on the submitted plans.

Application for costs

4. An application for costs was made by Mr & Mrs R Hand against Shropshire Council. This application is the subject of a separate Decision.

Background and Main Issues

5. The Council did not issue a decision within the prescribed period or within an agreed extended time period. The appellants exercised their right to appeal against the failure of the Council, as the local planning authority, to determine the application.
6. A statement has been submitted by the Council in response to the appeal stating that whilst the original officer dealing with the application had previously considered the development to be acceptable, following receipt of additional evidence from interested parties, it now has concerns regarding drainage and flooding issues at the site. A number of concerns have also been raised with regard to inconsistencies between the submitted plans and what has previously been approved and built on site.
7. Extensive representations have been made by a local resident both in respect of the application and appeal. These have raised a number of additional concerns including whether the development is adequately justified by the uses taking place on site.
8. Having regard to the evidence submitted by all parties, I consider that the main issues are:
 - whether adequate drainage could be provided for the development and whether it is likely to result in flooding;
 - whether the development is acceptable having regard to the site's countryside location.

Reasons

Drainage and flooding

9. Following the receipt of significant concerns and evidence from a local resident regarding alleged drainage issues at the site, the Council is not satisfied that the appellants have sufficiently demonstrated how drainage issues at the site would be dealt with following the development.
10. Policy CS18 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) relates to sustainable water management and states, amongst other things, that development is expected to manage surface water and must not result in an increase in runoff.
11. It is alleged by a local resident that there are ongoing drainage and flooding issues at the site and that this is also causing issues off site. A number of photographs have been submitted to support this claim. The planning application form states that surface water will be disposed of by soakaways but the Council questions whether the use of soakaways would be possible at the site.
12. In response to the concerns raised regarding drainage, the appellants acknowledge that there were a number of drainage issues during winter 2017/18 but state that these were due to a particular series of events and that the issue was dealt with by the appellants at the time. It is stated that under normal circumstances the site is predominantly dry and that was the case at the time of my site visit. They state that the development the subject of this appeal would not result in excessive water run off with water from the horse

- walker going to ground and that water from the extension would be connected to the existing drainage system previously constructed.
13. Whilst I have had regard to the extensive amount of evidence produced by a local resident and whilst it appears that there have been some issues with drainage at the site, having regard to the scale and nature of the developments before me, I consider that there appears to be no reason why adequate drainage could not be provided to deal with any impact arising from the additional development. This could be secured by the imposition of a suitably worded condition. Subject to this I consider it unlikely that any additional flooding would arise from the development. I note that no objections were raised to the application by the Council's flood and water management team.
 14. However in order to ensure adequate drainage in connection with the development, I consider that a pre-commencement condition would be necessary. This is having regard to the nature of any surface drainage works that might be required. Whilst the Council has suggested that drainage details should be submitted within two months of the date of any permission granted, as the development the subject of this appeal did not appear to me to have been commenced and completed at the time of my site visit, then I consider that a pre-commencement condition would be necessary. Though the evidence suggests that the extension to the agricultural building may have now been completed, there is no evidence before me to demonstrate that what has been built is in compliance with the submitted plans. The horse walker on site is not in compliance with the submitted plans and all parties agree that the isolation unit has yet to be constructed. Under these circumstances I consider that a pre-commencement condition would be necessary.
 15. The appellant has been consulted regarding the requirement for such a condition and does not agree to it stating that it would not be enforceable due to the fact that the majority of the appeal development has been completed and is in use and as the surface water drainage facilities are already in situ. However as stated, from the evidence before me this does not appear to be the case. Whilst the appellants would be willing to accept a pre-commencement condition relating to the isolation unit, for the reasons stated above, I do not consider that this would sufficiently control matters of drainage associated with the development which is the subject of this appeal.
 16. Therefore taking the above matters into consideration, whilst I conclude that subject to a suitable scheme adequate drainage could be provided for the development, in the absence of the appellants' agreement to a pre-commencement condition regarding drainage for the development, this matter cannot be adequately controlled. The development is therefore contrary to Policy CS18 of the CS which relates to sustainable water management and requires development to reduce flood risk.

Principle of development

17. The appeal site comprises part of a larger site owned by the appellants. The wider site has an extensive planning history with the Council having granted planning permission for various agricultural and equestrian developments on the site, including the existing agricultural building which is to be extended. It appears that the site is in a mixed use comprising agriculture, equestrian and the parking/storage of HGVs in connection with another of the appellants'

- businesses. At the time of my visit a number of alpacas and horses were on the site with some of the horses using the horse walker.
18. The appellants state that an extension is required to the agricultural building to facilitate its use for the storage of animal bedding and foodstuffs grown elsewhere on the appellants' wider agricultural holding. The horse walker and isolation unit are required in connection with the equestrian use to enable horses to get sufficient exercise in winter and for animal health reasons. Whilst there is a manege on site, the appellants state that ongoing issues regarding the lighting of it means that they struggle to provide the horses with sufficient exercise using the manege alone in winter.
 19. Policy CS5 of the CS and Policy MD7b of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015 (SAMDev) relate to new development in the countryside. They allow for agricultural related development and sustainable rural leisure proposals which require a countryside location. Agricultural development should be of a size/scale and type which is consistent with its required agricultural purpose and should be well designed.
 20. The extension to the agricultural building would be reasonably modest in scale relative to the existing building. It would have a similar lean-to appearance as the extension to the other side of the building. Though I note the concerns raised by a local resident about the alleged unauthorised use of the existing building for non-agricultural purposes and about the size and design of the proposed building, based on the appellants' evidence and from my observations on site, I am satisfied that the proposed extension is needed and has been designed for agricultural purposes and I do not consider that a forensic examination of the exact size and shape of the building is necessary to meet the policy requirements. Any existing or future concerns regarding the use of the building would be a matter for the Council to investigate and to act upon if required.
 21. Similarly though I note the Council's concerns regarding whether the agricultural building and previously approved extension haven been built in accordance with the approved plans, this matter is not before me and it appears that the Council did not raise the issue of the size of the original building when it granted planning permission for an extension to it in 2014 (Ref 13/04630/FUL). There are no dimensions shown on the plans of the agricultural building submitted with the application which is the subject of this appeal though the Council states that the existing building shown is larger than what has been permitted and that the design of the side extension differs. Whilst there are doubts as to the status of the existing building, I do not consider that this prevents me from reaching a finding on the extension, though it may affect the appellants' ability to implement any consent granted.
 22. The horse walker and re-positioned isolation unit would be sited within and near to the existing complex of buildings on the site and would therefore have minimal visual impact. They would be modest in scale and appearance relative to surrounding development and would be used in connection with the existing equestrian use at the site. I am therefore satisfied that they would form part of a sustainable rural leisure use requiring a countryside location.
 23. I note that the Council did not express any concerns regarding the justification for the development and taking the above matters into consideration, I

conclude that the development is acceptable having regard to the sites countryside location. It therefore accords with policies CS5 and CS13 of the CS and Policy MD7b of the SAMDev insofar as they relate to the types of development permitted in the countryside.

Conclusion

24. The development is acceptable having regard to the sites countryside location. However whilst I consider that suitable drainage for the development could be provided, I do not consider that this could be achieved without the imposition of a pre-commencement condition. The appellants are unwilling to agree to the imposition of such a condition.
25. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR

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Costs Decision

Site visit made on 18 December 2018

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2019

Costs application in relation to Appeal Ref: APP/L3245/W/18/3200964 Jayroc Stables, Shawbury Heath, Shawbury SY4 4EA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs R Hand for a full award of costs against Shropshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for a horse walker (15m diameter); isolation unit; extensions to existing agricultural building.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Paragraph 030 of the National Planning Practice Guidance (NPPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraphs 046 to 049 set out the circumstances when the behaviour of a local planning authority might lead to an award of costs. These can either be procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
4. In particular paragraph 048 states that if it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period. If an appeal in such cases is allowed, the local planning authority may be at risk of an award of costs, if the Inspector or Secretary of State concludes that there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether.
5. The appellants' case is essentially that the original planning officer dealing with the application had completed her consideration by the end of 2017 and was minded to recommend approval in January 2018. However the application was subsequently taken over by a new planning officer after the original one left the Council and the new officer began to rehearse issues that had previously been

- settled with the original officer. The appellants' consider that the Council placed significant and unreasonable weight on allegations made by a local resident. Consequently an appeal was considered the only way of obtaining a definitive outcome.
6. The application was dated 27 January 2017. It appears from the evidence that following correspondence between the appellants and the Council, the Council's planning officer was minded to recommend the application for approval at the beginning of January 2018. However, the Council states that before the application was determined, additional correspondence was received from a local resident including concerns regarding drainage and flooding at the site. The appellants confirmed that flooding had taken place and that a large amount of water had been pumped off site, however they stated that it was a one off even that was due to a collapsed drain and exceptional weather. Further representations were also made about the use of the site and the existing agricultural building and the justification for the proposed extension.
 7. I have been provided with copies of emails sent on behalf of the appellants to the Council providing responses to additional queries raised following the receipt of additional representations and a change of planning officer. In an email dated 26 March 2018 the appellants' agent advised that an appeal against non-determination would be submitted should the application not be determined in the next 28 days. The Council states that an email requesting additional information was sent to the appellants on 29 March 2018 but that no reply was received. I do not appear to have been provided with a copy of this email. The appellants submitted the appeal against non-determination on 22 April 2018.
 8. Notwithstanding the Council's claims, it is evident from the correspondence submitted with the appeal that the issue of the drainage of the site was in fact raised by interested parties prior to January 2018. Consequently it does not appear that it was a new issue that was not before the original planning officer when she made her recommendation. Following the receipt of representations regarding drainage and flooding, it does not appear from the evidence that the Council re-consulted its drainage advisor who had previously commented on the application and raised no objections to the development proposed.
 9. I have seen no evidence to demonstrate that the Council gave the appellants a proper explanation as to why it was not able to determine the application within the time limits. I understand that extensions of time were agreed but have seen no evidence of these and it appears from the evidence that none were agreed in 2018. I have had regard to the Council's explanation as to why permission was not granted within the relevant time limit and prior to the appeal being submitted. However as can be seen from my decision letter, whilst I am dismissing the appeal, I consider that adequate drainage for the development could be secured by condition, albeit not necessarily via soakaways. The reason for my dismissal is not due to the merits of the case but is due to the appellants' unwillingness to accept the imposition of a pre-commencement condition regarding drainage, a matter more likely to have been capable of being successfully negotiated with the appellants during the application.
 10. Consequently I consider that in failing to determine the application the Council has behaved unreasonably and that this has led to unnecessary expense during

the appeal process. For this reason, and having regard to all matters raised, a full award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay to Mr & Mrs R Hand, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Shropshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Beverley Wilders

INSPECTOR

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Appeal Decision

Site visit made on 29 January 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2019

Appeal Ref: APP/L3245/W/18/3211029

Former Slaughterhouse, Longslow, Nr Market Drayton TF9 3QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs J and P Newton against the decision of Shropshire Council.
 - The application Ref 18/01804/OUT, dated 17 April 2018, was refused by notice dated 4 June 2018.
 - The development proposed is described as 'outline application for 1 no dwelling with all matters reserved except for access, following the demolition of an existing building at former slaughter house, Longslow'.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at Former Slaughterhouse, Longslow, Nr Market Drayton TF9 3QY in accordance with the terms of the application, Ref 18/01804/OUT, dated 17 April 2018, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was submitted in outline with all matters reserved except access and I have considered the appeal on this basis.
3. The application was determined prior to the publication of the revised National Planning Policy Framework (2018)(the 'Framework'). The parties have been given the opportunity to comment on the implications of this on the appeal. Subsequently, a revised Framework was published in February 2019. As policies of the Framework that are material to this case have not changed fundamentally, I have taken it into account in reaching my decision. I am satisfied that this has not prejudiced either party.

Main Issue

4. The main issue is whether the appeal site is in the settlement of Longslow and would therefore be an appropriate location for the proposed development having regard to local and national policy.

Reasons

Location of development

5. Longslow is a small rural settlement characterised by a modest number of interspersed dwellings and farm buildings located off a looping road, on higher

ground forming part of an undulating rural landscape. Plot sizes and gaps between buildings vary and there is no dominant dwelling type or vernacular. The appeal site is located to the north of existing dwellings and comprises a parcel of land bound by mature hedgerows which is occupied by an outbuilding constructed of timber and corrugated sheeting.

6. Policy CS4 of the Shropshire Local Development Framework Adopted Core Strategy (2011) states that in the rural area, communities will become more sustainable by allowing development in Community Hubs and Community Clusters that helps rebalance rural communities by providing, amongst other things, housing for local needs. Policy S11.2(ix) of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) identifies the settlements of Bletchley, Longford, Longslow and Morton Say as a community cluster providing limited future housing growth of approximately 20 dwellings over the period to 2026. Within the villages of Bletchley, Longford and Longslow it is stated that limited infilling, conversions and small groups of houses may be acceptable.
7. The appellants have drawn my attention to an appeal decision on the adjacent site, reference APP/L3245/W/16/3163216, which considered the approach to determining whether a site is within a Cluster for the purposes of applying local policy. The Inspector considered that, since there is no settlement boundary for Longslow Village, this is best assessed on the basis of the location of the existing dwellings and their relationship with each other and I agree with this approach.
8. Beyond the outbuilding the land slopes away towards open countryside. To the south of the appeal site is Glencott, a detached dwelling set in spacious grounds with a detached garage. Past Glencott, to the south, are a number of properties on either side of the road. When travelling from the north towards Longslow there is a general absence of built development. As you approach the settlement, farm buildings and dwellings come into view giving you the clear sense that you are entering Longslow. As you come around the bend towards the appeal site, views of the appeal outbuilding and double garage with Glencott behind reinforce this.
9. When travelling from the south, built development appears far more disparate until you are almost in the settlement. Whilst there is a large gap between the semi-detached redbrick dwellings on the left and Glencott, this is not uncharacteristic of the area and the dwelling is still clearly legible as within the settlement. As you pass Glencott the outbuilding comes into view and feels part of the settlement too. Soon after the outbuilding, the road bends to the right with views towards open countryside with hedgerows and open fields beyond, giving the sense that you are leaving the settlement of Longslow.
10. When approaching the site from either direction, the site would therefore be viewed in the context provided by existing dwellings. Topography within the appeal site varies significantly with the land sloping down towards open countryside beyond. As a consequence, whilst the application is in outline, it is highly likely that the proposed dwelling would be located in a similar position to the outbuilding, on a higher part of the site which forms a plateau at a similar level to the adjacent highway. Whilst the majority of development is located to the south of Glencott, a dwelling on this site would be clearly legible as within the settlement of Longslow.

11. I note that the Inspector in respect of the adjacent site commented on the appeal site stating, *'I would not argue that the storage building should be regarded as being within the settlement.'* and *'it is also of a very different character to the rough paddock and pasture land to the north'*. My colleague's task was to consider the adjacent site and whether that formed part of the settlement, not the appeal site. I acknowledge that the character of the appeal site is different to the adjacent site. However, for the reasons set out above, I consider that the appeal site does form part of the settlement. Furthermore, I must consider the appeal on its own merits on the basis of the evidence before me. Thus, I conclude that the site is within Longslow and is therefore within the Community Cluster of Bletchley, Longford, Longslow and Moreton Say, as set out in Policy S11.2(ix).
12. Given the general lack of built development to the north I am not persuaded on the evidence before me that the appeal scheme would constitute infill development. Nevertheless, the site is next to Glencott and forms part of Longslow which comprises a small group of houses. I therefore conclude that the appeal site would form part of a small group of houses and would consequently comply with Policy S11.2(ix) in this regard.
13. Whilst not identified within the reason for refusal, the Council has drawn my attention to Policy to Policy MD3 of the SAMDev which states that where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline decisions will have regard to the increase in number of dwellings relative to the guideline, the likelihood of delivery of the outstanding permissions, the benefits arising from the development, the impacts of the development and the presumption in favour of sustainable development.
14. The Council advises that at the 31st March 2017 sites for a total of 31 dwellings had been granted planning permission across the cluster and since then a further 5 dwellings have been granted consent in Longslow. However, I have been provided with no substantive evidence regarding the likelihood of delivery of the outstanding permissions and cannot be sure that they would all be implemented. Furthermore, the appeal scheme would only result in one additional dwelling which would not be a significant increase above the total granted planning permission across the cluster.
15. Thus, I conclude that the appeal site is in the settlement of Longslow and would therefore be an appropriate location for the proposed development and would comply with Policy CS4 of the Core Strategy and Policy S11.2(ix) of the SAMDev. Irrespective of the lawful use of the site, in the absence of conflict with Policy S11.2(ix) policies seeking to control development in open countryside would not apply. Thus there would be no conflict with Policies CS5 of the Core Strategy and MD7a of the SAMDev which both seek to restrict housing in open countryside or the Framework in this regard.

Conditions

16. I have considered the conditions put forward by the Council and other parties against advice in the Framework and Planning Practice Guidance. As a result I have amended some of them for consistency, clarity and omitted others. Since the application is in outline, I have included conditions relating to the submission and timing of reserved matters applications and the commencement of development.

17. Because the site is sloping I have included a condition to secure details of levels and final floor levels in the interests of certainty. I have also included conditions relating to the access in the interests of highway safety.
18. I agree that a condition to secure drainage details is necessary in the interests of preventing flooding and lighting to minimise any disturbance to bats which are a protected species. I have also included a landscaping condition in the interests of protected species.

Other Matters

19. I note the concern raised by the Council regarding the effect of the proposal on the character and appearance of the area. However, the application has been submitted in outline with all matters reserved except access. For the reasons given above, I see no reason why a dwelling could not be developed on the site which would not cause significant harm to the character and appearance of the settlement.

Conclusion

20. For the reasons given above, and having regard to all matters raised, the appeal is allowed subject to the conditions set out in the schedule below.

M Savage

INSPECTOR

Schedule of Conditions

- 1) Details of the scale and appearance (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with Drawing No. MN-002 Rev A but only in respect of those matters not reserved for final approval.
- 5) The development hereby permitted shall not begin until a detailed foul and surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to first occupation of the dwellings.
- 6) The development hereby permitted shall not begin until details of the site levels and finished floor levels have been submitted to and approved in writing by the local planning authority. The details shall be implemented as approved.
- 7) The development hereby permitted shall not begin until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i. Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
 - ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - iii. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - iv. Native species used are to be of local provenance;
 - v. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - vi. Implementation timetables.The scheme shall be implemented as approved.
- 8) The development hereby permitted shall not begin until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved in writing by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.
- 9) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting

will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

- 10) Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43.0 metres tangential to the nearside carriageway edge shall be provided to the north easterly side of the access where it meets the highway and the splay shall be cleared and thereafter maintained free of any vegetation or obstructions above the level of the adjacent highway carriageway.
- 11) The access shall be satisfactorily completed and laid out in accordance with the Proposed Site Plan Drawing No. MN-002 Rev A and constructed in accordance with Shropshire Council's specification for domestic accesses prior to the dwelling being occupied.
- 12) Any gates provided to close the proposed access shall be set a minimum distance of 6 metres from the carriageway edge and shall be made to open inwards only.



Appeal Decision

Site visit made on 29 January 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2019

Appeal Ref: APP/L3245/W/18/3213325

11 Brooklands, Chester Road, Whitchurch SY13 4QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Jones against the decision of Shropshire Council.
 - The application Ref 18/01922/FUL, dated 20 April 2018, was refused by notice dated 16 July 2018.
 - The development proposed is a double garage with workshop and office.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a number of revised plans through the appeal process, following the Council's refusal of permission on 16 July 2018. I have no evidence that consultation on these plans has been carried out, nor has the appellant requested that he would like me to consider these plans as part of the appeal. I have therefore considered the appeal on the basis of the plans submitted to the Council.
3. The application was determined prior to the publication of the revised National Planning Policy Framework (2018)(the 'Framework'). The parties have been given the opportunity to comment on the implications of this on the appeal. Subsequently, a revised Framework was published in February 2019. As policies of the Framework that are material to this case have not changed fundamentally, I have taken it into account in reaching my decision and am satisfied that this has not prejudiced either party.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located off a generally rural section of Chester Road which links the A41 to Whitchurch with open fields beyond. There are a number of properties along this section of road comprising a mix of detached, semi-detached and terraced dwellings. The properties are generally located on the same side of the road, fronting onto the highway, with subservient outbuildings typically located between dwellings. Whilst the garages and outbuildings are of varying design, they are generally single storey and as a consequence do not

dominate the street scene, helping to retain a sense of spaciousness characteristic of the area.

6. The host dwelling is a semi-detached property set in a generous plot constructed of a combination of red brick and render with a staggered front elevation. The land is elevated towards the rear, however, given the need for a level development platform I would expect the outbuilding to be constructed at the same level as the driveway. The site has Planning permission for a garage under planning permission NS/07/02424/FUL which has not been built to date. A single storey double garage has been constructed to the side and rear of the adjoining property and a similarly designed garage is located to the side and rear of the adjacent property. A red brick wall and mature hedge borders the property.
7. The proposed garage would be set back from the host dwelling and the highway, towards the edge of the boundary with the adjacent dwelling. Whilst the building would be constructed of materials to match the existing dwelling, the proposed dormer would be uncharacteristic of an outbuilding in this location. The garage would be of a similar height to the host property and, despite its setback, would not be clearly legible as a subservient outbuilding as a consequence.
8. This would disrupt the general pattern and rhythm of built development along this part of Chester Road and would look incongruous in the street scene, contrary to Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) which states that development is required to contribute to and respect locally distinctive or valued character by responding appropriately to the form and layout of existing development and the way it functions, including streetscape, building heights and lines, scale, density, and amongst other things, plot sizes. It would also be contrary to Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy (Core Strategy)(2011) which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, amongst other things.
9. The appellant has drawn my attention to an extension and erection of double garage to No 6 Chester Road. Whilst I do not have substantive details of this before me, I do not consider it to be comparable to the appeal scheme since the extension to No 6 is to the dwelling itself. The double garage would be located much further back from the highway than the appeal building and would be partly obscured from public view by the dwelling. The appellant has also drawn my attention to a number of other schemes which the Council has approved, of which I have no substantive details before me. Nevertheless, I do not consider that the schemes cited would be comparable to the appeal scheme because they have a different context. Furthermore, I must consider the appeal on its own merits on the evidence before me.
10. I acknowledge that the appeal scheme would improve the living conditions of the appellant's family through the provision of more versatile accommodation. However, this would be principally a private benefit and does not outweigh the harm I have identified above.
11. Thus, the development would harm the character and appearance of the area, contrary to Policies CS6 of the Core Strategy and Policy MD2 of the SAMDev

which both seek to ensure that development respects local character, amongst other things.

Other Matters

12. I am advised that the Council did not engage with the appellant during the course of its consideration of the application. The appellant has suggested a series of changes following the Council's determination of the application but as set out in the procedural matters above, this is not something that I am able to take into account through the appeals process.
13. The appellant states that permitted development rights would enable a structure to be built. However, I have considered the appeal on the basis of the development as a whole, and I can give only negligible weight to the purported permitted development element. My findings in relation to the main issues are therefore unaltered.
14. The Council has not objected to the principle of an outbuilding in this location and I agree that given the orientation of buildings in this location there would be no effect on the living conditions of neighbours. The absence of harm in these respects is not a positive benefit of the scheme and thus has only a neutral effect on the overall planning balance

Conclusion

15. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

M Savage

INSPECTOR

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Appeal Decision

Site visit made on 29 January 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2019

Appeal Ref: APP/L3245/W/18/3213599

Land south of Red Bank, Market Drayton TF9 1AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Redbank Construction Limited against the decision of Shropshire Council.
 - The application Ref 18/00224/FUL, dated 13 January 2018, was refused by notice dated 26 April 2018.
 - The development proposed is described as 'residential development (two detached dwellings).'
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council advise that amended plans were submitted during their consideration of the application and have confirmed that it determined the application on the basis of these amended plans. I have therefore considered them accordingly.
3. The application was determined prior to the publication of the revised National Planning Policy Framework (2018)(the 'Framework'). The parties have been given the opportunity to comment on the implications of this on the appeal. Subsequently, a revised Framework was published in February 2019. As policies of the Framework that are material to this case have not changed fundamentally, I have taken it into account in reaching my decision. I am satisfied that this has not prejudiced either party.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of Nos 78 and 79 Dalelands Estate having particular regard to privacy and outlook.

Reasons

5. The appeal site comprises a vacant plot of land which appeared overgrown at the time of my site visit. The site is located in a predominantly residential area and would be accessed via a small cul-de-sac, Sunnyside. The appeal site slopes steeply down towards the rear of properties along Dalelands Estate. The rear gardens of Dalelands estate vary in depth, with the rear gardens of Nos 78 and 79 comparatively shallow, bound by close boarded fencing.

6. The proposed dwellings would be of split design, set over three floors with two stories facing out towards Sunnyside and three stories facing towards Dalelands Estate to the rear with windows to habitable rooms on all floors. There would be a separation distance of approximately 21 metres between the appeal dwellings and Nos 78 and 79 Dalelands Estate. The appeal dwellings would be approximately 9m from the boundary fence with Nos 78 and 79.
7. The proposed dwellings would extend up to a height of approximately 7.4m at the rear. The land continues to fall towards the properties along Dalelands Estate a number of meters, so the dwellings would appear much taller when viewed from the properties below. As a consequence of their height and bulk, this would result in the proposed dwellings appearing oppressive to occupants of Nos 78 and 79 and would unacceptably diminish the outlook from these properties and their rear gardens.
8. Although the separation distances proposed between dwellings would not be unusual in an urban setting, the height differential between the appeal site and the dwellings along Dalelands Estate significantly increases the potential for overlooking, particularly in relation to rear gardens. Whilst I saw that there is a degree of overlooking in the area already, occupants of the proposed dwellings would look down on the gardens to a much greater degree with habitable rooms facing towards Nos 78 and 79 Dalelands Estate. This would significantly reduce privacy for the occupants of these dwellings and in particular users of the gardens.
9. I have considered whether a condition requiring the windows on the rear elevation of the appeal scheme to be obscure glazed would overcome harm to privacy. However, given the extent of the fenestration on the rear elevation and that the windows would serve habitable rooms, I do not consider such a condition would be reasonable since it would significantly limit the outlook from the appeal dwellings, compromising the living conditions of future occupants.
10. I note that the appellant has raised similar concerns regarding an approved scheme for a pair of two storey, semi-detached dwellings on the site, reference 114/03759/FUL dated 3rd May 2016. However, this dwelling was set over two floors with more limited fenestration on the rear elevation. Furthermore, I must consider the appeal on its own merits.
11. The above permission remains extant and could be fully implemented. Whilst I do not have full details of the planning permission, on the evidence before me, I consider that the extant permission would be less harmful than the appeal scheme and would therefore not weigh in support of the appeal scheme.
12. The Framework seeks to support the Government's objective of significantly boosting the supply of homes. I note the concerns raised by the appellant regarding the viability of the approved scheme and that the social benefits of two additional dwellings would not be realised if the appeal were to fail. However, the minimal contribution that two dwellings would make to the supply of new homes would not outweigh the significant harm that I have identified above. Furthermore, the Framework also states that planning decisions should create places with a high standard of amenity for existing and future users.
13. Thus, privacy and outlook from Nos 78 and 79 would be unacceptably diminished, giving rise to significant harm to the living conditions of residents,

contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy (2011) which seeks to safeguard residential and local amenity, amongst other things and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) which states that for a development proposal to be considered acceptable it is required to contribute to and respect existing amenity value, amongst other things.

Other Matters

14. The appellant makes the point that no objections were received by the Council during their consideration of the application from neighbours. However, objections were received in relation to the appeal and I have considered these accordingly.

Conclusion

15. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

M Savage

INSPECTOR

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Appeal Decision

Inquiry Held on 22 January 2019

Site visit made on 23 January 2019

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2019

Appeal Ref: APP/L3245/W/18/3203094

Land to the North of Wrexham Road, Whitchurch

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Aldi Stores UK Limited against the decision of Shropshire Council.
 - The application Ref 17/01152/FUL, dated 8 March 2017, was refused by notice dated 11 January 2018.
 - The development proposed is erection of a new foodstore (use Class A1), access, substation and associated car parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a new foodstore (use Class A1), access, substation and associated car parking and landscaping at Land to the North of Wrexham Road, Whitchurch in accordance with the terms of the application, Ref 17/01152/FUL, dated 8 March 2017, subject to the conditions set out in the Schedule to this decision.

Procedural Matters

2. Prior to the Inquiry, the Council took the decision not to give evidence in support of the reasons for refusal as it considered that there was no evidential basis on which to do so. Accordingly, a Statement of Common Ground sets out that there is no dispute between the main parties on any matter in relation to the appeal. However a number of interested parties have made representations either in writing and/or orally at the Inquiry in support of the Council's reasons for refusal as expressed on its decision notice. I have taken all of these into account in making my decision.
3. Plans have been submitted at various stages of the planning and appeal processes. Guidance is clear that the appeals process should not be used as a mechanism to evolve a scheme and I have taken that into account. Nevertheless, the changes shown on the latest iteration of the plans are minor in nature and do not materially alter the scheme overall. I am satisfied that there would no prejudice to anyone by my accepting the revisions shown to the scheme.
4. Completed planning obligations by way of a Unilateral Undertaking (UU) and an Agreement under Section 106 of the Town and Country Planning Act (S106) have been provided. The obligations provide for public transport provision and a financial contribution towards town centre management.

Main Issues

5. From all that I have read, heard and seen, the main issues are (i) the effects of the proposal on the vitality and viability of Whitchurch town centre including having regard to its location; (ii) its effects on the character and appearance of the area; and (iii) its effects on a non-designated heritage asset.

Reasons

Development plan and background

6. The development plan for the area comprises the Shropshire Core Strategy (2011) (the CS) and the Site Allocations and Management of Development Plan (2015) (the SAMDev).
7. The proposed development would occupy what is currently a modestly-sized green field on the western edge of Chemistry which was once a separate settlement to Whitchurch but has now been absorbed into it as the suburbs have expanded. However, the site lies outside the development boundary and is within the open countryside as defined in the development plan. The site is about 1.6km away (or about a mile) from Whitchurch town centre.

Vitality and viability of Whitchurch town centre

8. Policy CS5 of the CS seeks to control development in the countryside but permits it on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing economic and community benefits. This includes small-scale economic development and whilst the types of acceptable development are indicated in the policy wording, it does not provide a closed list that precludes other forms of development. In principle, the proposal does not therefore conflict with CS policy CS5.
9. I have taken into account LIDL's argument in its Objection Statement¹ that the methodology used by the appellant in its Retail Impact Assessment is flawed; particularly in relation to the household surveys and benchmark data that have informed the conclusions on overtrading at the LIDL store. LIDL argues that actual turnover figures are to be preferred over estimated ones. I agree. However, I have not been provided with any of their figures and whilst they may have been provided to the Council confidentially, I must make my decision based on the evidence before me. I do not give any weight to this aspect of LIDL's case.
10. The Homebase store at the out-of-centre Waymills site has closed and is now occupied by B&M. LIDL argues that this will further take away trade from the town centre given the similar offer of B&M and the town centre located Home Bargains store and should therefore be assessed cumulatively alongside the appeal proposal. However, I have not been presented with any evidence that the B&M store is having an adverse impact on the town centre retail environment or clear detail of any interrelationship between the appeal site and that now occupied by B&M. I cannot therefore draw any meaningful conclusions from this set of circumstances.

¹ By Plan A, dated August 2018

11. In terms of linked trips, in my view, those choosing to shop at the proposed ALDI store would still be likely to make onward trips into the town centre to purchase other types of goods to those offered by ALDI. They would also use the various other facilities such as banks, public houses and cafés. Indeed, there are many town centre businesses that have completely different offers to a store such as ALDI and I see no reason why it would divert shoppers away from using those other businesses. Notwithstanding this, the appellant has proposed an enhanced bus service to provide a direct link from the proposed store into the town centre. It also strikes me that much of Whitchurch's residential area is geographically more conveniently located to the town centre than to the area around the appeal site. I am therefore satisfied that there will not be significant adverse effects from a reduction in linked trips.
12. The appellant's Retail Impact Assessment² concludes that the town centre convenience offer will continue to trade above benchmark levels if the proposed development goes ahead. The conclusions reached are based on two household surveys, which although undertaken separately from one another, show very similar results.
13. LIDL was not represented at the Inquiry and I have not therefore had the benefit of testing its evidence through questioning. I was, however able to question the appellant and consider that the household survey data and benchmark trading figures provide the only robustly tested substantive body of evidence on this topic as part of the submitted Retail Impact Assessment. I have no compelling reason to conclude that the Retail Impact Assessment does not accord with SAMDev policy MD10b which seeks to ensure development does not cause significant adverse impacts on the vitality and vibrancy of town centres.
14. I have nevertheless, taken into account LIDL's concerns about its Whitchurch store being vulnerable to competition. However, the matter for me to determine in this appeal is not whether the LIDL store would be caused to cease trading, but whether the proposed ALDI store would result in a significant adverse impact on the vitality and viability of the town centre as a whole. Clearly, that judgement involves consideration of what may or may not happen to the LIDL store.
15. On the basis of the available evidence, there is no compelling reason for me to conclude that even in the event that the LIDL store saw a downturn in business and ceased trading in Whitchurch that this would result in a **significant** adverse impact on the vitality and viability of the town centre. That is the test in the National Planning Policy Framework (the Framework) to be applied in my determination of the appeal and which is also clearly set out in SAMDev policy MD10b. There is no conflict with either.
16. I turn now to the matter of the sequential test. Interested parties have suggested that there are other suitable sites within the town centre that could accommodate the proposed store. Paragraph 86 of the Framework says that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be fully explored.

² Core Document 5.2

17. However, at the Inquiry the appellant provided convincing evidence as to why the other sites put forward by interested parties are not suitable. In particular, the Woodyard site is considered by the appellant to be too small and the Waymills and Heath Road sites are, in any case, out of the town centre. Of the other suggested sites, I have no clear evidence that they are available. No substantive evidence has been provided to challenge the appellant's evidence and I have no reason to disagree that the sequential test is passed.
18. This view is not altered by LIDL's assertion that should its store in the town centre cease trading, the resultant vacant site will be available for retail use regardless of ownership and thus the sequential test cannot be passed. A sequential test cannot reasonably be carried out on the basis of some future and as yet unknown situation.
19. I now turn to the appeal site's location. Amongst other things, policy CS6 of the CS requires proposals which would generate significant levels of traffic to be located in accessible locations in order to reduce reliance on the car and to maximise the opportunities for walking, cycling and public transport use. Whilst the appeal site is located away from the town centre, the distance would not prohibit reasonably fit, able bodied people from walking and cycling would also be an option. I accept that this would not allow for a large weekly shop due to the need to carry bags of provisions. However, it would allow the store's employees to travel to work by means other than the car. Moreover, there is a bus service that would be enhanced as part of the appeal scheme including new stops next to the site that would provide adequate provision for shopping trips to be made by this mode of transport. Overall, I am satisfied that the site would be in a sustainable location in this respect.
20. Taking all of the above into account, the proposal would accord with the development plan strategy for the location of retail development set against a background of the wider spatial plan within which Whitchurch is set to grow. There is no conflict with CS policies CS5 and CS6 or with SAMDev policy MD10b in respect of this first main issue.

Character and appearance

21. Whilst the area within Chemistry is predominantly residential, there has recently been a commercial 'transport services' type development opposite the site next to the junction of the B5398 Wrexham Road and the A41 Whitchurch Bypass. This is a substantial development in the countryside.
22. The site is bounded by the above two main routes on its southern and western edges and by the Llangollen Branch of the Shropshire Union Canal on its northern edge. Immediately to the east is a smaller field which would remain open thereby maintaining a green area between the proposed development and the westernmost edge of Chemistry. Apart from along the edge of the canal, there are mature trees and hedgerows around the site's boundaries. From the canal corridor, the site provides a rural setting to the residential area. From within the site, there are views across the rolling landscape to the north. The site has a rural appearance and it reads as part of the wider pastoral scene.
23. Having said that, the surrounding roads, services and houses are urbanising features within the local environment and from the evidence put to me it is this that has led to the appellant's assertion that the site lies within a semi-rural location. At my site visit, I was able to walk along the canal towpath from the

west towards the site and it was clear that for much of this route, because of the landform and intervening vegetation, the proposed development would not be seen. There would be no clear harm arising from the proposal in these views.

24. However, once the viewer has passed under the bypass, the site comes into to open view. Even where dwellings along the edge of Chemistry can be seen, these views are filtered by mature trees and hedgerows. The evidence tells me that the canal towpath is well used and I have no reason to take an alternative view given that it leads directly into the residential area via the Whitchurch Arm of the navigation. There is a boat turning area next to the site and a marina a short distance to the west. The proposed development would therefore occupy a prominent tourist location along this part of the canal's route.
25. Consequently, the proposed store and its associated car parking and other ancillary areas would result in a significant change to this currently open and rural site. In the context I have just described, this would appear as a substantial urban development in the open countryside.
26. I acknowledge that new planting is proposed to take place between the store and the canal. Over time this would provide a good level of screening. However, it would take time to establish and in the intervening period there would be clear visual harm in views from the towpath. Even following establishment, the sense of a large development would remain.
27. From the Public Right of Way (PRoW) some distance to the north of the site which follows a route along higher land, the new store would also be seen as an isolated large development. However, given the distance between the available viewpoints from the PRoW and the appeal site, the proposed planting would ensure that there would be no long-term visual harm in these views.
28. To conclude on this second main issue, the proposal would conflict with the specific requirement of CS policy CS6 for development to protect, restore, conserve and enhance the natural, built and historic environment, taking into account the local context and character. Having said that, the harm would be localised and would affect only a limited number of views. In my view, the harm to the area's character and appearance would be limited.

Non-designated heritage asset

29. The parties agree that the Llangollen Branch of the Shropshire Union Canal is a non-designated heritage asset. Whilst the proposal will not have a direct impact on it, I have considered the effects on its setting in light of local and national policy.
30. The canal in this part of Shropshire takes a meandering course through the countryside. As it approaches Chemistry from the south west it passes under the A525 and the A41. It then takes a sharp turn away from the edge of the settlement to head west before then heading north. The Whitchurch Arm of the canal branches off at this point and heads into the residential area. The Whitchurch Arm is partly open to boating traffic but is stopped up further along its length where it is subsumed into the Whitchurch Waterways Country Park.
31. The overall experience of travelling along the main canal and its towpath is one of being in a rural environment. Whilst some development can be seen in

Chemistry from the canal, it is mostly well-screened by existing mature vegetation and the canal's overall rural setting in this area is maintained. The appeal site makes a positive contribution to the overall setting of the canal by maintaining the character of a rural landscape between this non-designated heritage asset and the edge of the residential area.

32. I accept that the environment around this stretch of the canal has changed over time with the expansion of built development to the west of Whitchurch and from the urbanisation resulting from the major road corridors and the service area next to the A41/Wrexham Road junction. Indeed, where the site can be seen from the road – from a short stretch of the A41 that bridges the canal – it is experienced in this more urbanised context. I also acknowledge that the canal will pass through a varied range of environments along its whole length.
33. However, none of this takes away from the fact that a very significant stretch of the canal in this area lies within a rural environment. The proposed development would diminish the contribution that the site makes to the setting of a modest stretch of the canal.
34. Paragraph 197 of the National Planning Policy Framework says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
35. For the above reasons, I conclude that there would be harm to the setting of the non-designated heritage asset thus running counter to policy CS17 of the CS which amongst other things, seeks to protect Shropshire's historic environment. It would also conflict with the heritage protection objective of CS policy CS6. However, the effects would be localised and would reduce over time as the proposed planting matures. The harm to the setting of the non-designated heritage asset would therefore be limited.
36. SAMDev policy MD13 seeks to ensure that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings. However, the policy also indicates that a proposal will be permitted if it can be demonstrated that public benefits outweigh the adverse effects. I return to this matter later on in my decision.

Planning obligations

37. The appellant has submitted an executed Agreement and UU which include obligations to come into effect in the event that planning permission is granted. I have considered the obligations in light of the Framework, PPG and the Community Infrastructure Levy Regulations (the CIL Regulations).
38. Firstly, the UU would provide for an enhanced bus service that passes the appeal site on Mondays to Saturdays and new bus stops to be erected outside the development in order to encourage linked trips between the proposed foodstore and the town centre and the use of public transport to access the development more generally. Secondly, the Agreement would provide a contribution of £10,000 towards Town centre management measures.

39. The Council has provided a CIL Compliance Statement which sets out that the contributions sought would accord with the requirements of a number of CS and SAMDev policies along with the Shropshire Local Transport Plan Provisional LTP Strategy and the Place Plan for Whitchurch. I am satisfied on the basis of the evidence that none of the contributions sought would be prohibited by the pooling restrictions in CIL Regulation 123 and that the provisions of these obligations are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Thus, they meet the Framework paragraph 56 tests and accord with CIL Regulation 122. Accordingly, I have taken them into account in reaching my decision.

Other material considerations

40. The harms to the character and appearance of the area and the significance of the non-designated heritage asset are limited in each case. Accordingly, the identified conflict with the development plan is limited on both of those matters. Notwithstanding this, there are other important factors to take into account; namely the provisions I have already set out in relation to SAMDev policy MD13 and the balanced judgement required by the Framework as to the level of harm and significance of the heritage asset.
41. I therefore now turn to the benefits of the scheme. There would be short-term construction jobs that would add to the vibrancy of the local economy as the various tradesmen would be likely to use local business during the construction period. Once the store had become operational, it would provide 40 new jobs (15 full-time, 25 part-time). There would also be jobs created beyond the store itself from an increase to ALDI's staff across the wider business as it grows. These are benefits that attract very substantial weight.
42. The proposed speed reduction measures along Wrexham Road would provide a social benefit to the local community by helping to reduce vehicle speeds close to the residential area. These benefits carry significant weight in favour of the appeal scheme.
43. On the environmental side, the provision of new tree and shrub planting could result in some biodiversity improvements. However, this must be seen in the context of the loss of a predominantly green site and I do not consider the benefits from new planting attract anything more than limited weight.
44. The proposed store would generate just over half its energy from the use of solar panels. However, this would be a product of the development itself rather than generating a benefit and is therefore a neutral factor.
45. On balance, I consider the benefits to be sufficient to outweigh the identified limited harms to the character and appearance of the area and to the significance of the heritage asset. Thus the proposal would accord with SAMDev policy MD13 and the Framework.
46. Highways concerns have also been raised by interested parties. However, there is no substantive evidence to contradict the stance taken by the Council, in its Highway Authority role, that there would be no adverse highways effects. Such unsubstantiated and somewhat generalised concerns, and the other matters raised that are relevant to planning, do not lead me to a different overall conclusion that the proposal is acceptable.

Conditions

47. A number of conditions suggested by the Council were discussed at the Inquiry. I have considered these in light of the Framework and PPG. Where necessary, I have amended some of the suggested wordings for clarity, to ensure compliance with national policy and guidance and in light of the discussions between the main parties at the Inquiry.
48. I have specified the approved drawings as this provides certainty (2). A materials condition is necessary in order to ensure the appearance of the development is satisfactory (3). A condition related to a Construction Method Statement is imposed in the interests of amenity and highway safety (4). In the interests of the character and appearance of the site and the area it is necessary to ensure the proper implementation of the landscape scheme detailed in approved Landscape Plan drawing V1303-L101C (5). Conditions relating to the submission of an Arboricultural Method Statement and tree protection are necessary to ensure the long-term viability of existing trees (6 and 7).
49. In the interests of flood prevention, I have imposed a drainage condition (8). Conditions related to highway alterations and site access and internal vehicle circulation and parking are necessary in the interests of highway safety and adequate vehicle parking and circulation (9 and 10). In the interests of promoting sustainable transport, I have imposed a condition relating to electric car charging (11), a Travel Plan (17) and signage (18). Conditions relating to a canal buffer zone are necessary to protect the watercourse and its associated wildlife during and after construction (12 and 13).
50. A condition relating to bat and bird boxes is necessary in order to provide a satisfactory environment for those animals (14). A lighting condition is necessary in order to protect bats (15). A condition restricting opening hours is imposed in the interests of amenity (16).

Conclusion

51. For the above reasons, the proposal accords with the development plan and Framework as a whole and the appeal succeeds.

Hayden Baugh-Jones

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Reid

Kings Chambers. Instructed by
Miranda Garrard on behalf of
the Director of Legal and
Democratic Services,
Shropshire Council

No witnesses were called although the Council's relevant officers were made available to answer questions

FOR THE APPELLANT:

A Crean QC

Kings Chambers. Instructed by
Jones Lang LaSalle

He called

Carl Taylor BA(Hons) DipLA CMLI

TPM Landscape

Paul Crisp MA BSc(Hons) DipTP MRTPI
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Jones Lang LaSalle

Iain Miller BSc(Hons) PGDip CMILT
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Joanna Gabrilatsou BA(Hons) MTPL
MRTPI

Jones Lang LaSalle

INTERESTED PARTIES:

Councillor Beverley Duffy

Whitchurch Town Council

Simon Lyon

Representing High Street
businesses

Tony Shorter

Local resident

DOCUMENTS

ID01 Agreed list of planning conditions

ID02 Draft planning obligation

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No 1303NES-99; Existing Site Plan Drawing No 1303NES-100E; Proposed Site Plan Drawing No 1303NES-101S; Proposed General Arrangements Plan Drawing No 1303NES-102B; Proposed Elevations Drawing No 1303NES-103H; Proposed Roof Plan Drawing No 1303NES-104B; Proposed Roller Shutter Details Drawing No 1303NES-105A; Proposed Boundary Treatments Drawing No 1303NES-106D; Proposed Substation Drawing No 1303NES-108; Landscape Plan Drawing No V1303-L101C; Site Access Arrangement – Right Turn Lane Facility Drawing No 344-01/GA-02 Rev E; Site Access Arrangement Visibility Splays @ 30mph and 40mph Drawing No 344-01/GA-03 Rev A; Site Access Arrangement Footway Maintenance Right Turn Facility Drawing No 344-01/GA-04; Track Plot Analysis 16.5m Articulated Vehicle Entry and Exit Manoeuvre Drawing No 34-01/ATR-01 Rev B; Track Plot Analysis 16.5m Articulated Vehicle Through Extended Splitter Island Drawing No 344-01/ATR-02.
- 3) No development shall take place above slab floor level until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved sample details.
- 4) 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 Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from construction works;
 - viii) delivery and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) All planting, seeding or turfing comprised in Landscape Plan drawing No V1303-L101C shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) No site clearance, preparatory work or development shall take place until an Arboricultural Method Statement in accordance with paragraph 6.1 of BS 5837: Trees in relation to design, demolition and construction – Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved Arboricultural Method Statement.
- 7) No construction within the tree protection areas of trees T1276-B1 and T1278 as shown on drawing no ARB/3454/Y/200 by ACS Consulting shall take place until details of a no-dig tree root protection system have been submitted to and approved in writing by the local planning authority. The submitted details shall include details of materials and surface water disposal. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until drainage details including drainage plans and drainage calculations have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) Prior to the development hereby permitted being brought into use, the highway alterations along Wrexham Road, site access and bus stops as shown on drawing no 344-01/GA02_RevE shall be constructed in accordance with full engineering details that shall have first been submitted to and approved in writing by the local planning authority.
- 10) Prior to the development hereby permitted being brought into use, the internal access road, parking spaces and HGV turning area shall be surfaced and marked out in accordance with the details on drawing no 1303NES-101S and shall thereafter be kept available for those uses.
- 11) Prior to the development hereby permitted being brought into use, electric car charging points shall be installed in accordance with details that shall have first been submitted to and approved in writing by the local planning authority.
- 12) No development shall take place including ground works and vegetation clearance until a 5m canal buffer zone has been secured with fencing, the type of which shall have first been submitted to and approved in writing by the local planning authority. The fencing shall be erected in a position denoted by the green line on drawing no. 1303NES-114 and shall be retained throughout the construction period for the development. No access, works or storage of materials shall occur within the buffer zone during the construction period for the development with the exception of carrying out landscape works provided for by condition 5.
- 13) Once the development hereby permitted is open to the public, no access, works or storage of materials shall occur within the 8m canal buffer zone shown on drawing nos V1303 L101C and 1303NES-101S with the exception of carrying out landscape works provided for by condition 5 or landscape management.
- 14) Prior to the development hereby permitted being brought into use, bird and bat boxes shall be erected in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. The submitted details shall provide for:

- i) a minimum of 2 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species;
 - ii) a minimum of 4 artificial nests of external boxes or integrated bricks suitable for swifts and/or starlings
- 15) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting shall be designed in accordance with the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 *Bats and artificial lighting in the UK* or any document that replaces it. Development shall be carried out in accordance with the approved details and the lighting shall thereafter be retained.
- 16) The development hereby permitted shall only be open to customers between the following hours:
0800-2200 Mondays-Saturdays.
1000-1800 on Sundays (with trading limited to a 6 hour period).
0800-2000 on public holidays.
- 17) Within 3 months of the development first opening to the public, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The approved Travel Plan shall be implemented within 6 months of the development first opening to the public and shall remain in force for the lifetime of the development.
- 18) Prior to the development hereby permitted being brought into use, directional signage and information panels shall be erected in accordance with details of locations and design that shall have first been submitted to and approved in writing by the local planning authority. The approved signage and information panels shall thereafter be retained.