



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

Date: Tuesday, 1 May 2018

**Committee:
Central Planning Committee**

Date: Thursday, 10 May 2018

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, 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

Dean Carroll
Ted Clarke (Chairman)
Nat Green (Vice Chairman)
Nick Hignett
Pamela Moseley
Tony Parsons
Alexander Phillips
Ed Potter
Kevin Pardy
Keith Roberts
David Vasmer

Substitute Members of the Committee

Peter Adams
Roger Evans
Hannah Fraser
Ioan Jones
Jane MacKenzie
Alan Mosley
Harry Taylor
Dan Morris
Lezley Picton
Claire Wild

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 10)

To confirm the Minutes of the meeting of the Central Planning Committee held on 12th April 2018.

Contact Shelley Davies on 01743 257718.

3 Public Question Time

To receive any 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 p.m. on Wednesday, 9th May 2018.

4 Disclosable Pecuniary Interests

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

5 Former Railway Land Off Washford Road, Shrewsbury - 18/00268/FUL (Pages 11 - 42)

The demolition of existing industrial units and construction of 7no. dwellings with associated parking and access (amended description)

6 117 Wenlock Road, Shrewsbury - 17/06053/FUL (Pages 43 - 60)

Erection of 2No. detached bungalows; formation of vehicular access

7 Forge Farm, Upton Magna, Shrewsbury - 17/04609/EIA (Pages 61 - 94)

Extension to Forge Farm Poultry Unit to include two poultry buildings and associated infrastructure

8 1 Nursery House, Corporation Lane, Shrewsbury - 18/00969/FUL (Pages 95 - 104)

Erection of single storey extension to rear of property including incorporation of some existing workshop area and new living space

9 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 7th June 2018 in the Shrewsbury Room, Shirehall.



Committee and Date

Central Planning Committee

10th May 2018

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 12 April 2018

2.00 - 4.10 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Michelle Dulson

Email: michelle.dulson@shropshire.gov.uk Tel: 01743 257719

Present

Councillor Ted Clarke (Chairman)

Councillors Dean Carroll, Nat Green (Vice Chairman), Nick Hignett, Pamela Moseley, Tony Parsons, Alexander Phillips, Ed Potter, Kevin Pardy, Keith Roberts and David Vasmer

118 Apologies for absence

There were no apologies for absence received.

119 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 15th March 2018 be approved as a correct record and signed by the Chairman.

120 Public Question Time

There were no public questions or petitions received.

121 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.

With reference to planning application 17/05772/OUT proposed residential development land to the West of Ellesmere Road, Shrewsbury, Councillor Dean Carroll stated that he had pre-determined the item and therefore he would make a statement and then leave the room, take no part in the consideration of, or voting on, this item.

With reference to planning application 17/05772/OUT proposed residential development land to the West of Ellesmere Road, Shrewsbury, Councillor Phillips stated that as he was the local Ward Councillor he would make a statement and then leave the table, take no part in the consideration of, or voting on, this item.

With reference to planning applications 17/05772/OUT proposed residential development land to the West of Ellesmere Road, Shrewsbury and 17/06149/REM development land to the South of Oteley Road, Shrewsbury, Councillors Keith Roberts and Nat Green noted that they were Members of Shrewsbury Town Council Planning Committee but this would not affect their opinion when considering the application.

With reference to planning application 17/03895/OUT Swan House, Frodesley, Dorrington, Shrewsbury, Councillor Ed Potter stated that he had pre-determined the item and therefore he would leave the room, take no part in the consideration of, or voting on, this item.

With reference to planning application 18/00730/VAR Oak Tree Farm, Frodesley, Dorrington, Shrewsbury, Councillor Ed Potter stated that as he was the applicant he would leave the room, take no part in the consideration of, or voting on, this item.

With reference to planning application 17/06149/REM development land to the South of Oteley Road, Shrewsbury, Councillor Tony Parsons stated that as he was the local Ward Councillor he would make a statement and then leave the table, take no part in the consideration of, or voting on, this item.

With reference to planning application 17/06149/REM development land to the South of Oteley Road, Shrewsbury, Councillor Ted Clarke stated that as he was the local Ward Councillor he would leave the table and take no part in the consideration of, or voting on, this item.

122 Proposed Residential Development Land to the West of Ellesmere Road, Shrewsbury - 17/05772/OUT

The Principal Planning Officer introduced the outline application for the erection of 36 dwellings and associated infrastructure (to include access, appearance, layout and scale)(re-submission) 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.

The Principal Planning Officer drew Members' attention to the Schedule of Additional Letters which included a representation from SC Highways advising that if Members were minded to approve the application that an additional condition be included in relation to on-site construction.

The Principal Planning Officer explained that at the Central Planning Committee meeting held on 22nd June 2017 Members had resolved to refuse the application however that decision was currently the subject of an Appeal to be heard mid-May.

The Principal Planning Officer informed the Committee that the current application for residential development at the site sought to overcome the previous reasons for refusal.

In line with his declaration at Minute 121 Councillor Dean Carroll made a statement and then left the room, did not take part in the debate and did not vote on this application. During his statement Councillor Carroll stated that he felt that this application was out of keeping on this arterial road out of the town.

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

- This application was not materially different to the previous application in terms of density, scale and impact on public services and countryside land;
- This area of town had already been overdeveloped when there was not a development need;
- It goes against the SAMDev and other Council policies;
- It is unsustainable development and out of keeping with adjacent properties.

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

During the ensuing debate Members felt that the previous reasons for refusal still stood as the application had not materially changed. It was acknowledged that although the design did look better, it was still out of keeping with adjacent properties.

Having considered the submitted plans for the proposal and noted the comments of all the speakers Members expressed their objection to the application contrary to the Officer's recommendation.

RESOLVED:

That planning permission be refused contrary to the Officer's recommendation for the following reasons:

1. The proposed development would be located on a green field site in the open countryside outside of any settlement identified in the adopted Development Plan as suitable for open market residential development. The site is not allocated for development in the Development Plan and nor does it meet any of the exceptions to the approach to sustainable development set out in the Plan. The proposed residential development on the site would be incompatible with the principles of sustainable development in that it would undermine the development strategy set out in the adopted Shropshire Core Strategy and Site Allocations and Management of Development (SAMDev) Plan which seek to facilitate residential development within a sustainable settlement hierarchy.

Whilst it is acknowledged that the proposed development offers a number of local community benefits, these are not considered to carry sufficient weight to outweigh the strategy of the Plan. As such, the proposal will conflict with Policies CS1, CS4 and CS5 of the adopted Shropshire Core Strategy and MD1, MD3, MD7a and S16 of the adopted SAMDev Plan, as well as national guidance contained within the National Planning Policy Framework in respect of residential development in the open countryside.

2. The site constitutes one of the remaining vestiges of open countryside within the immediate area. The development of this green field site for thirty six dwellings would erode the character of the area by introducing development of a predominantly urban form into the open countryside which would appear incongruous and intrusive to the detriment of the rural setting of the locality. The proposal would thereby be contrary to the provisions of the Framework and Policies CS6 of the adopted Shropshire Core Strategy and MD2 of the adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan.
3. The proposed development, due to its design, scale, massing and layout, is considered to be an overdevelopment of the site which would be out of keeping with the prevailing character of the surrounding area and would not form a suitable transition between adjoining development types. As such, it would appear as an incongruous urban feature to the detriment of local amenity and would thereby be contrary to Policies CS6 of the adopted Shropshire Core Strategy and MD2 of the adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan.

123 Development Land to the South of Oteley Road, Shrewsbury - 17/06149/REM

Councillor Ted Clarke as local ward Councillor vacated the Chair. Councillor Nat Green as Vice-Chairman presided as Chairman for this item.

The Principal Planning Officer introduced the reserved matters application pursuant to the Outline Planning Permission 14/04428/OUT for the erection of 164 dwellings and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

The Principal Planning Officer drew Members' attention to the Schedule of Additional Letters which included a representation from SC Highways raising no objection to the proposed revised layout. The Principal Planning Officer explained that if Members were minded to approve the application it would have to be subject to any conditions required by Highways Development Control.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Tony Parsons addressed the Committee as the local ward Councillor, made a statement and then left the table,

took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- There had been no attempt by the developer to contact the local Councillors prior to submitting their application. Had there been, issues around the public open space may have been resolved;
- The amount of public open space is insufficient and two of the areas, the buffer with the A5 and the area around the pool, were not of high quality;
- The spinal road which passes the play area needs speed bumps;
- A one metre high fence would not prevent older children from climbing over and running across this fast stretch of road.

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

In response to the point raised regarding the buffer with the A5, the Principal Planning Officer explained that it was not uncommon for new residential developments that abut the highway and have a need to provide a buffer, for the buffer to be part of that open space.

In the ensuing debate, Members raised concerns about road safety and the safety of the play area. Councillor Carroll proposed either an additional condition or an amendment to Standard Condition 4 requiring details to be submitted and agreed in relation to traffic calming measures and issues around securing the play area.

Having considered the submitted plans for the proposal and noted the comments of all the speakers Members expressed their support for the Officer's recommendation, subject to the above additional condition / amendment to Standard Condition 4.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to:

- The Conditions as set out in Appendix 1 of the report;
- Amendments to Condition 4 or additional condition to require details to be submitted and agreed in relation to traffic calming measures in the vicinity and securing of the play area.
- Any additional conditions required by Highways Development Control.

124 Proposed Affordable Dwelling NW of Terrace Farm, Cruckton, Shrewsbury - 17/05333/FUL

The Principal Planning Officer introduced the full application for the erection of an affordable dwelling, associated garage and installation of septic tank 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.

The Principal Planning Officer explained that the applicants' previous application for a dwelling in a different location (land east of Terrace Farm) had been refused at the meeting of the Central Planning Committee in August 2017.

Although the application had been amended since the original application had been submitted due to Officers concerns around the size, layout, height and design of the dwelling and garage, it was being recommended for refusal as Officers considered that it was not policy compliant as the location was not within or adjacent to the settlement of Cruckton. It was in open countryside, and as such, any development in that location would have a detrimental impact on the visual amenity.

Mr Alan Hodges, on behalf of Pontesbury Parish Council, spoke in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Roger Evans addressed the Committee as the local ward Councillor. During his statement, a number of points were raised including the following:

- This was the fourth time that a planning application for this area had been recommended for refusal, and, indeed, in 2017 an application for a dwelling opposite Coppice Farm had been refused;
- Permission for an affordable dwelling to the right of Coppice Farm had recently been granted, and this property was now a part of the settlement;
- Land to the left of Coppice Farm had been left free from development as the Church was a listed building;
- The Church did not delineate the far end of Cruckton;
- Sporadic settlements are part of the Countryside and this application would be in keeping with the area.

In response to comments made by the speakers, the Principal Planning Officer explained that interpretation of the Policy was something that Officers dealt with regularly and was sometimes difficult. He went on to say that the location of proposed affordable dwellings was often dictated by the availability of land and caused a lot of debate at Committee.

During the ensuing debate Members felt that a dwelling in this location would make the environment more attractive and that the local community recognised this location as being within or adjacent to the settlement of Cruckton. Members expressed the need to maintain the viability of villages and felt that this affordable dwelling would benefit someone locally. It was felt that the previously refused application would have had a far greater impact upon the landscape.

Having considered the submitted plans for the proposal and noted the comments of all the speakers Members expressed their support for the application contrary to the Officer's recommendation.

The Solicitor informed the Committee that if they were minded to approve this application contrary to the Officer's recommendation, then clearly stated reasons would be required.

The Principal Planning Officer explained that if approved, delegation would need to be granted to the Officers to include an appropriate condition in order to ensure that the property remained affordable in perpetuity.

RESOLVED:

That planning permission be granted contrary to the Officer's recommendation for the following reasons:

The proposed development is in an appropriate location for an exception site dwelling due to the following:-

- The proposed site can be considered to be within or adjacent to the named settlement of Cruckton.
- Development of the site would not adversely affect the local historic or rural character nor the local landscape and would not have an unacceptable impact on visual amenity nor diminish the local distinctiveness
- It would respond appropriately to the form and layout of existing development
- Despite the site being accessed from a public bridleway, and sitting very close to existing agricultural buildings it was considered to be a suitable location for the provision of an affordable dwelling in perpetuity.
- Delegation granted to officers for the imposition of appropriate conditions and the approval to be subject to a S106 Agreement to ensure its retention as an affordable dwelling.

125 Swan House, Frodesley, Dorrington, Shrewsbury - 17/03895/OUT

In line with his declaration at Minute 121 Councillor Ed Potter left the room, did not take part in the debate and did not vote on this application.

The Technical Specialist Planning Officer introduced this outline application for demolition of former public house (with ancillary residential accommodation) and erection of a dwelling (amended description) and confirmed that the Committee had undertaken a site visit that morning to assess the condition of the building and the impact of the proposed development on neighbouring properties and the surrounding area.

The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included a representation from the Applicants advising the latest position with regards to the proposed sale and responding to the comments of objectors. The Technical Specialist Planning Officer also drew attention to

Appendices 2 and 3 of the report (Historic England Report following application for listing and Ecology Matrix respectively).

The Technical Specialist Planning Officer explained that having been withdrawn from the Central Planning Committee meeting in November 2017 following notification of a potential sale of the Swan Inn, and due to no agreement having been reached after over four months, insufficient weight could now be given to the potential sale hence the application being before Committee with a recommendation to approve the proposal. The Technical Specialist Planning Officer informed Members that if minded to approve, this would not prevent a potential sale from being completed.

Having considered the submitted plans for the proposal Members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to the Conditions as set out in Appendix 1 of the report.

126 Oak Tree Farm Frodesley, Shrewsbury, Shropshire - 18/00730/VAR

In line with his declaration at Minute 121 Councillor Ed Potter left the room, did not take part in the debate and did not vote on this application.

The Technical Specialist Planning Officer introduced this application for a variation of Condition No. 2 (approved plans) attached to Planning Permission 14/01989/FUL dated 28 July 2014 to allow for the porch area to be extended and closed in providing additional storage space.

Having considered the submitted plans for the proposal Members unanimously expressed their support for the Officer's recommendation

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to the Conditions as set out in Appendix 1 of the report.

127 Schedule of Appeals and Appeal Decisions

The Principal Planning Officer informed Members that the number of current enforcement cases would be reported to future Planning Committees.

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 12th April 2018 be noted.

128 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 10th May 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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<u>Committee and date</u>
Central Planning Committee
10 May 2018

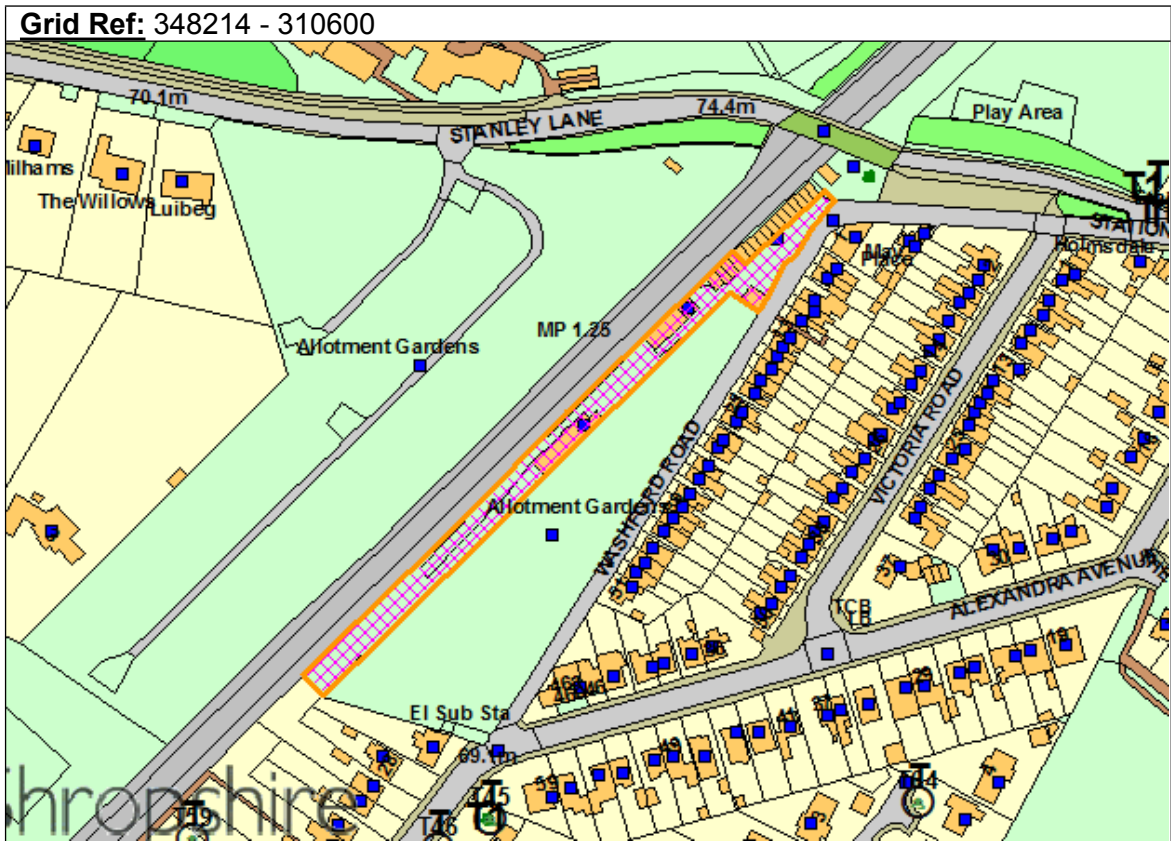
<u>Item</u>
5
Public

Development Management Report

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

Summary of Application

<u>Application Number:</u> 18/00268/FUL	<u>Parish:</u> Shrewsbury Town Council
<u>Proposal:</u> The demolition of existing industrial units and construction of 7no. dwellings with associated parking and access (amended description)	
<u>Site Address:</u> Former Railway Land Off Washford Road Shrewsbury SY3 9HR	
<u>Applicant:</u> Walnut Squared Ltd.	
<u>Case Officer:</u> Frank Whitley	<u>email:</u> planningdmc@shropshire.gov.uk



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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 application seeks planning permission for the demolition of existing industrial units and construction of 7No. dwellings with associated parking and access (amended description)
1.2	The application follows permission granted in outline for an indicative scheme of 6 dwellings under ref 16/01561/OUT (including matters of access only) dated 24 October 2016. Previous to this, similar outline planning permission was granted in 2012 under ref 12/04866/OUT, though that permission lapsed. An earlier outline scheme in 2011 was refused by Shropshire Council under the then recently adopted Core Strategy. The appeal was dismissed though for reason of lack of affordable housing provision only.
1.3	The proposed development seeks full planning permission. The development is to comprise 7No dwellings set out in a linear arrangement using the full length of the site. Plots 6 and 7 are to be semi-detached side by side at the far end of the site thus forming a single block. Plots 2/3 and 4/5 are semi-detached end to end. Plot 1 at the near end is the only detached dwelling. All are 3 bed roomed, 2 storey except for Plots 6 and 7 which each have 4 bedrooms over 3 storeys.
1.4	Each dwelling is to have 2 x dedicated parking spaces. 7 visitor spaces are spread across the site.
1.5	A second point of access is to be formed on Washford Road. The existing access on the corner of Station Road is to be retained.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site is a narrow strip of land between the railway line and allotments immediately to the west of Washford Road. There are more allotments to the west of the railway line.
2.2	The site measures approx. 225m long and ranges approx. between 9.6m and 10.5m wide.
2.3	The site is bounded on the west side by a palisade metal fence on the edge of Network Rail land, and on the east by a combination of hedgerow and timber panel fence. Large sections are missing or broken.

2.4	The site was formerly a builders' yard though is now used in connection with a marquee business. The site also contains modern workshops and lock-up garages. All buildings except the existing garages between the two access points are to be demolished.
2.5	The site is on the western edge of Meole Brace Conservation Area, which is characterised in particular by the attractive traditional red brick terraced cottages of Washford Road.
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. At the request of the locally elected member, the Area Planning Manager and Chair of the Central Planning Committee have decided that the application should be decided by elected Members.
4.0	Community Representations
	Consultee Comments
4.1	Shrewsbury Town Council- support
	<p>Commenter Type: Parish Council Stance: Customer made comments in support of the Planning Application Comment Reasons: Comment: The Town Council supports this application and welcomed the opportunity to discuss the plans with the architect at their recent Planning Committee meeting.</p>
4.2	Highways- no objection subject to conditions and informatives
	<p>For reference, initial comments are set out here in relation to the 8 dwelling scheme as first proposed.</p> <p>The application is seeking consent for the erection of 8 dwellings on land that was previously used as a builder's yard and associated storage. The site also has an extant permission for the erection of 6 dwellings under reference 16/01651/OUT. The principle of residential redevelopment of the site having been previously secured on appeal.</p> <p>Whilst it is noted that the current application is proposing an increase in the number of residential units by 2 from the earlier approval, a residential use balanced against the existing business use is considered to potentially provide a benefit in the change in the type of vehicle generated thereto and not considered to be a sustainable highway ground upon which to base an objection. The proposed access arrangement as shown on the Site Plan (Drawing No. WAS-519-XX-00-DR-A-PL003) does however raise highway concerns.</p> <p>It is noted that the access arrangement is proposing an in/out arrangement. The proposed vehicle circulation is not enforceable, with no physical measures to control the movement of vehicles. The sensitive nature of the on-street parking demand on Washford Road in association with the terrace properties is likely to</p>

result in vehicles parking opposite the new access point. It is considered that vehicles will not be able to easily turn right into the site as proposed given the proposed design of the new access and the possibility of on-street parking. It is considered therefore that the existing access into the site should remain as the sole access into and out of the site. The width and alignment of the access should be improved to enable a more efficient entry and exit of vehicles. The Site Plan is rather schematic and lacks clarity, the edge of carriageway has not been detailed, and the position of a light column and road name plate has been omitted. The improvement to the width of the access could require the relocation of the light column, which can be more easily determined on the submission of a more detailed/surveyed site plan.

It is noted that a bin collection point has been proposed. The retention of boundary hedge, however, prevents easy/direct access for the roadside collection.

Further comments received following amended scheme (7No dwellings).

No objection

Observations/Comments:

The application is now seeking consent for the erection of 7 dwellings on land that was previously used as a builder's yard and associated storage. The site also has an extant permission for the erection of 6 dwellings under reference 16/01651/OUT. The principle of residential redevelopment of the site has been secured on appeal. Further to the Highway Advice Note dated 28.02.2018 a revised Site Plan (Proposed) Drawing No. WAS-519-XX-00-DR-A PL003 has been submitted with supporting correspondence. The number of proposed residential units has now been reduced and flow plates included in the new access design to control vehicle circulation to and from the site.

The revised details and access arrangements have been further reviewed and in consultation with Shropshire Council's Highways Development Control Area Manager.

The formation of a new satisfactory access point to serve the site is not considered likely to lead to a highway safety concern in this location to insist upon the site being served by a single access point. The provision of flow plates within the new access will control vehicle circulation but not considered to be an ideal solution introducing maintenance and potential noise disturbance liabilities.

The retention of the existing access at the northern extremity of the site in combination with a new access without flow direction restrictions would enable vehicles to enter and leave the site from either of the two access points. Vehicles that could egress from the proposed new access, are restricted to one way flow in a southerly direction along Washford Road. This circulation of vehicles via the site will replicate the traffic flow along Washford Road and provide an alternative exit route to Station Road where the demand for on street parking at can limit the effective carriageway width to one lane accommodating two way traffic movements.

The new access arrangement as currently proposed however raises concerns. The new access should be unrestricted and satisfactorily laid out in width, radii and include the provision of a visibility splay in a north easterly direction along Washford

	<p>Road. It is also noted that the bin collection point continues to be retained behind the boundary hedge. The setting back of the boundary hedge to provide the required visibility splay would resolve this matter too for roadside collection requirements. It is, considered that these amendments can be covered under an appropriate planning condition.</p> <p>Subject to the following conditions being included on any approval, there are no sustainable Highway grounds upon which to base an objection: -</p>
4.3	<p>Conservation- no objection subject to conditions</p>
	<p>For reference, initial comments are set out here in relation to the 8 dwelling scheme as first proposed.</p> <p>I would refer you to earlier comments we have provided on previous proposals affecting the application site, which comprises a long narrow strip of land running along the railway tracks to the north-west of Washford Road, and which is fully within the Meole Brace Conservation Area boundaries. Residential redevelopment of this site was granted permission under Outline application 16/01651/OUT and the indicative layout associated with that proposal comprised 6 dwelling units of a generally traditional design sited in a linear position within the site.</p> <p>A new full planning application has now been submitted proposing a much more contemporary approach for residential development within this site, however some aspects such as the linear siting of the proposed dwellings, given the configuration of the property, remain similar to the previous proposal. The current application is supported by a relatively extensive analysis of the site and the context and built form of the immediate and wider neighbourhood, with the proposed scheme consisting of a linear series of contemporary cubic buildings spread through the length of the entire site. The form and contemporary design of the development proposed is considered to respond well to the property's trackside context and linear nature, and with further site enhancements in terms of appropriate boundary treatments and landscaping, and architectural detailing, external materials and finishes which visually reflect those of the more traditional dwellings nearby, then provided a very high quality of building is implemented here, the proposal in principle may not necessarily be unacceptable on this site. This view is not dissimilar to the comments submitted by the Civic Society on this scheme.</p> <p>Over-development of this narrow site however should be avoided, and as submitted in its present form the application is considered to comprise too many units, and particularly the taller three storey element to the westerly end of the site appears out of context and unnecessarily squeezed in and potentially dominant within the area, and as submitted, the application is not considered to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where having regard to protecting and enhancing the character and appearance of the Conservation Area is required.</p> <p>It is apparent that there is significant local opposition to this application and a wider discussion and further assessment of the scheme considering these views is suggested.</p>

	<p>Further comments received following amended scheme (7No dwellings).</p> <p>I would refer you to our earlier comments for background. In response to our concerns over the number of units and extent and scale of new buildings being introduced to this long narrow site, the applicant has reduced the number of units to seven and has removed a storey from one of the three storey units; as a result the overall amenity area on the site has been increased and the gaps between the buildings are more generous. There is also now a more consistent visual pattern to the rooflines with the taller element being limited to the westerly-most building which is sited at the widest distance from Washford Road and which adds some visual interest to the row of buildings. To reduce visual clutter the top storeys should remain lightweight in material, scale and design, and the rooftops of all the buildings should remain free of additional external services, pipework and other equipment that could disrupt the otherwise clean contemporary design of the scheme.</p> <p>As revised the application is considered to satisfactorily accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where having regard to protecting and enhancing the character and appearance of the Conservation Area is required, subject to the inclusion of strict conditions in order to agree external materials and finishes, finer architectural detailing, window and door details, landscaping and boundary treatments and surface materials.</p>
4.4	Ecology- no objection subject to conditions and informatives
4.5	Shropshire Fire and Rescue- no objection informatives only
4.6	Network Rail- no comments received
	<p>Though no comments have been received to this application, the following was received in relation to the previous outline consent ref 16/01561/OUT and is still considered relevant to the application</p> <p>Thank you for your email dated 29th September, together with the opportunity to comment on this proposal.</p> <p>Whilst there is no objection in principle to this proposal, Network Rail have a defined access point to the railway these must be maintained to Network Rails satisfaction, we also currently park a vehicle with the permission of the current landowner.</p> <p>Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.</p> <p>FOUNDATIONS</p> <p>Network Rail offers no right of support to the development. Where foundation works penetrate Network Rails support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.</p>

DRAINAGE

All surface water drainage should be directed away from Network Rails land to the public mains system. Soakaways are not acceptable where the following apply:

- ☒ Where excavations which could undermine Network Rails structural support zone or adversely affect the bearing capacity of the ground
- ☒ Where there is any risk of accidents or other acts leading to potential pollution of Network Rails property/infrastructure
- ☒ Where the works could adversely affect the water table in the vicinity of Network Rails structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rails land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rails ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rails boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rails existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rails boundary must also not be disturbed.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishments guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rails Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rails property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by

Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertakers boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rails advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

PARTY WALL

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters.

The applicant is reminded that any works close to the Network Rail boundary, and any excavation works are also covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for the costs. An applicant cannot access Network Rail without permission (via the Asset

	<p>Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable to all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.</p> <p>METHOD STATEMENTS/FAIL SAFE/POSSESSIONS</p> <p>Method statements may be required to be submitted to Network Rails Asset Protection Engineer for prior approval of works commencing on site. Where any works cannot be carried out in a fail-safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e possession which must be booked via Network Rails Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks. The applicant will be liable for all costs incurred by Network Rail (including all possession costs, site safety supervision, asset protection presence). The applicant is reminded that Network Rail can refuse any third party works that would impact adversely on its infrastructure.</p> <p>In order to mitigate the risks detailed above, the Developer should contact the Network Rails Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.</p>
4.7	Archaeology- no objection
	We have no comments to make on this application with respect to archaeological matters.
4.8	Regulatory Services- no objection subject to conditions for noise and contamination
	<p>a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agencys Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.</p> <p>b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.</p> <p>d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in</p>

	<p>writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.</p> <p>e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors. Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document: http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf</p> <p>A noise assessment shall be submitted to establish the current noise climate in terms of dB LAeq at day and night and dB LAm_{ax} during day and night. Where necessary mitigation shall be proposed which meets as a minimum 30dB LAeq and 45dB LAm_{ax} in bedrooms at night, 45dB LAeq in habitable rooms in the day, 50dB LAeq in external amenity spaces. Reason: to protect the health and wellbeing of future residents from unacceptable noise from nearby existing sources.</p>
4.9	SUDS- no objection subject to conditions and informatives
	<p>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.</p>
4.10	Affordable Housing- no objection
	<p>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</p>
4.11	Public Comments
4.11.1	One representation of support has been received:
	I personally feel that these houses would be an asset to the community as long as

	<p>they are done tastefully. They would attract new people to Shropshire who I am sure would become valued members of the area. I would gladly welcome them.</p>
4.11.2	<p>One neutral representation has been received from Meole Brace Garden and Allotment Club</p> <p>I am Chair of Meole Brace Garden&Allotment Club which manages an allotment site, owned by the Town Council, adjoining the proposed development. Some of our members have already lodged their individual objections to the proposal. The committee would like some reassurance that the boundary fence/hedge between the two sites which is currently pretty dilapidated will be properly and fittingly reinstated when/if the development takes place. Nobody seems to know who has responsibility for this boundary and it would seem a good opportunity to have the matter clarified. Our view is that it is the responsibility of the owner of the land between our site and the railway. There is a 'de facto' admission of this in that the land owner erected the (now partly fallen down) fence in recent years.</p> <p>Our Committee does not meet again until the 5th March which is technically outside the consultation period. I would request that we be allowed to submit an agreed representation and possibly an objection (I would not want to second guess the outcome of our discussion) shortly after the 5th March.</p> <p>Case Officer note- no further comments received from this Club</p>
4.11.3	<p>Shrewsbury Civic Society- objection</p> <ul style="list-style-type: none"> ☒ Agree with principle of housing ☒ Contemporary designs both admired and hated by different members ☒ No similar buildings in locality ☒ Sufficient screening and hedges could provide harmony with local environment ☒ Access issues ☒ No charging points for cars
4.11.4	<p>Meole Village Residents Association- objection</p> <ul style="list-style-type: none"> ☒ Exceeds number previously proposed in outline application ☒ No strong local demand ☒ No consultation with local residents on design ☒ Planning authorities already aware of access and traffic issues ☒ Do not enhance local distinctiveness ☒ External flat roof style appalling ☒ Design does not meet necessary standards locally ☒ Design conflicts with MD2 ☒ Conflicts with requirements of Conservation Area appraisal ☒ Station Road is narrow with parked cars and is dropping odd point for hairdresser's and podiatrist's ☒ Access difficulties due to position of surrounding roads ☒ Acknowledge brown field and local plan allows some sort of development, but only with support of residents ☒ Objection is on design and numbers ☒ Invitation to planning department to local meeting

4.11.5	<p>An objection petition with 19 signatures from residents of Washford Road has been received in relation to: <i>We the undersigned object strongly to the development of the old railway yard on old Washford Road because we believe that eight houses are too many and that the design is totally out of keeping with the Conservation Area.</i></p>
4.11.6	<p>Objection from Shropshire Wildlife Trust Question the wisdom of proposed access and loss of established hedgerow If minded to grant permission condition should be imposed to appoint Ecological Clerk of Works</p>
4.11.7	<p>36 individual objections have been received on the following grounds:</p> <ul style="list-style-type: none"> ☒ Will lead to additional traffic and larger modern vehicles ☒ Possible contamination on the site ☒ Still being used for business and is not a redundant site ☒ Loss of roadside hedge ☒ Not sympathetic to Meole Brace or Conservation Area ☒ Increase in number from six to eight dwellings ☒ Station Road and Access is narrow and will lead to refuse/recycling collection problems ☒ Loss of light to allotments thus harm to growing potential ☒ Impact to wildlife ☒ Other developments in Shrewsbury cater for housing need of this size ☒ Site woefully too narrow for housing close to railway line ☒ Noise and vibration from trains ☒ Absence of windows facing railway is ridiculous and is an abomination and ugly design ☒ Amazed site is even being considered ☒ Turning circle too narrow at access to Washford Road ☒ Meole Village is known for being a quaint Victorian village that doesn't need new builds ☒ Highway too narrow ☒ Representation refers to stuck refuse collection lorry in a previous objection to earlier scheme ☒ HGVs cause chaos in Station and Washford Roads ☒ Pedestrian, children and cyclists safety especially during school times ☒ Proposal is an eyesore and shocking ☒ Impact to peoples' lives ☒ Loss of view ☒ External flat roof is appalling ☒ Risk of crime if left empty ☒ Insufficient schools and doctors ☒ Should stay a business use ☒ Increase in vehicle movements ☒ Concerns about boundary treatment ☒ Does not enhance local distinctiveness

	<ul style="list-style-type: none"> ❑ No affordable housing provision ❑ Loss of sense of space and rural aspect ❑ Threat over long term to allotments ❑ Loss of view south from railway line bridge ❑ Spurious connections to architectural development of Meole Village and to railway line ❑ Safety concerns for emergency vehicles ❑ Permanent damage to the panoramic view from almost the entire length of Stanley Lane. This is a prized view from one of the main entrances to the village ❑ Closest relative (of design) would be a container terminal ❑ Bland modernisation in unsuitable space ❑ Too high and risk of upwards extension ❑ Alien feature in Conservation Area
5.0	THE MAIN ISSUES
	<p>Principle of development Siting, scale and design Impact to the character and setting of Meole Brace and the Conservation Area Visual Impact and Landscaping Highways and Access Ecology Residential Amenity</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	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.
6.1.2	The NPPF states that one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
6.1.3	The provision of housing within the urban area of Shrewsbury accords in principle with the adopted SAMDev Plan S16. Core Strategy CS2 and MD1 identifies Shrewsbury as the primary focus for housing development for Shropshire.
6.1.4	S16.1 states that Shrewsbury will provide the primary focus for development for Shropshire, as a sub-regional centre and Shropshire's growth point, providing approximately 6,500 dwellings and 90 hectares of employment land during the period 2006-2026.
6.1.5	CS2 also seeks to make the best use of previously developed land
6.1.6	Planning permission has also been granted in outline for an indicative scheme (with

	matters of access included) for 6 dwellings ref 16/01651/OUT granted on 24 October 2016. Significant weight is given to this extant approval which together with the above mentioned policies establishes the principle of development.
6.2	Siting, scale and design
6.2.1	The NPPF 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.
6.2.2	CS6 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.
6.2.3	Amongst other matters, MD2 requires development to contribute to and respect locally distinctive or valued character and existing amenity value by: <ul style="list-style-type: none"> i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion;
6.2.4	According to the Design and Access Statement (DAS), the design has been conceived as a series of low linear blocks in contemporary form and detail, though with reference to trackside architecture precedents.
6.2.5	The DAS also explains that a design cue has been taken from typical urban mews developments. Several locations in the UK are illustrated to reference. Space is often at a premium in narrow streets with shared access routes behind more substantial dwellings.
6.2.6	The design concept is considered consistent with MD2 para 3 which seeks to: <i>Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style</i>
6.2.7	The massing at ground floor level will be relatively continuous due to the garden walls which provide privacy between dwellings. The dwellings will have a layered character. Above the ground floor, there will be greater scope for views through the site from the east.
6.2.8	Dwellings will be constructed from mainly red brick to relate to existing vernacular. Buff and dark bricks will be incorporated, along with a dark recessed band at first

	floor level, patterned elements and perforated garden walling and metal screens. Windows are to be deeply recessed to provide relief and shadow along the length.
6.2.9	Plots 6 and 7 are to be clad with dark grey upper level panels
6.2.10	The “mews street” through the site is to be paved in setts, softened by some tree planting.
6.2.11	Dwellings are to be flat roofed which aligns with the design cues, but also has the benefit of reducing overall height so a level similar to eaves height of Washford Road.
6.2.12	Footprint and height of the dwellings approx. are as follows: Plot 1 Housetype 3B_B: 11.6m long x 4.2m wide x 5.9m high Floor area 99sqm Plot 2 Housetype 3B_A: 9.8m long x 4.2m wide x 5.9m high Floor area 84sqm Plot 3 Housetype 3B_A: 9.8m long x 4.2m wide x 5.9m high Floor area 84sqm Plot 4 Housetype 3B_A: 9.8m long x 4.2m wide x 5.9m high Floor area 84sqm Plot 5 Housetype 3B_C: 11.6m long x 4.2m wide x 5.9m high Floor area 98sqm Plot 6 Housetype 4B_A: 11.0m long x 4m wide x 8.3m high Floor area 124sqm Plot 7 Housetype 4B_A: 11.0m long x 4m wide x 8.3m high Floor area 124sqm
6.2.13	Generally, scale and design is considered acceptable and in accordance with CS6 and MD2.
6.3	Impact to the character and setting of Meole Brace and the Conservation Area
6.3.1	The NPPF states at Chapter 12 that LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. LPAs are required to take into account the desirability of new development making a positive contribution to local character and distinctiveness
6.3.2	CS17 and MD13 together seek to ensure that wherever possible proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings.
6.3.3	As first submitted, 8 dwellings were proposed. The Conservation Officer commented that the contemporary design (in principle) is considered to “respond well to the property’s trackside context and linear nature”. Nevertheless, an objection was raised due to over-development.
6.3.4	After the removal of one dwelling, the Conservation Officer then commented that gaps between buildings is increased, and there is a more consistent visual pattern to the rooflines. No objection has been raised overall to the amended scheme, or to the 3 storey elements of Plots 6 and 7.
6.3.5	The application seeks to depart from the traditional vernacular build type in Meole Brace, particularly the character of Washford Road. It is acknowledged that the design form is not supported by many local residents. However with the principle of

	development established, the application describes an extensive analysis of the site and the context and the built form of the neighbourhood. The form and massing of the dwellings has been justified. Overall, the design concept is considered to complement the character and setting of the Conservation Area.
6.3.6	Although the approved indicative plan of the previous outline consent suggests 6 dwellings, it is considered that 7 can reasonably be accommodated without appearing cramped, or overdeveloped.
6.3.7	Subject to appropriate conditions on materials, landscaping, and the control of further development, the development is considered to accord with CS17 and MD13, without harming the character and appearance of the Conservation Area. There is therefore no conflict with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6.4	Visual Impact and Landscaping
6.4.1	Connected to the potential harm to the character of the Conservation Area is the issue of visual impact. Currently views over the site and allotments are enjoyed by residents of Washford Road. Representations have also referred to views over the site from Stanley Lane Railway Bridge.
6.4.2	With the principle of development established for residential development, it is acknowledged that any development in this location will have some visual impact. However those views currently enjoyed are not protected. In this case, the development is not considered to cause unreasonable harm due to the limited height of dwellings, separation distances and the continued ability to enjoy longer range views, over or between dwellings. There are existing buildings on site. Scope for green landscaping is limited due to site constraints but will still have the ability to soften hard boundary features.
6.5	Highways and Access
6.5.1	CS6 requires development to be adaptable, safe and accessible to all.
6.5.2	Station Road allows two way traffic up to the point of the existing application site access. Washford Road is one way from north to south.
6.5.3	Representations have been received concerning the flow of traffic, parking, highway and pedestrian safety on Washford Road.
6.5.4	As submitted the application proposes a second access on Washford Road, approx. 20m from existing. The intention is to allow entrance only to the site by the fitting of flow plates on the new access. The existing access could either be used for exit, or for access to the garages.
6.5.5	Highways has raised no objection overall, but due to maintenance and noise issues, has raised concerns about flow plates, in favour of allowing unrestricted access/exit from/to both accesses. Exit from the new access in any event would require vehicles to turn south along Washford Road.

6.5.6	Accordingly, it is proposed to impose a condition to ensure that flow plates are not fitted.
6.5.7	Highways has also raised concerns about the design of the new access, though are satisfied that details can be dealt with by condition. It is accepted that an enhanced visibility splay to the north would likely require loss of the existing hedgerow. There is scope for the hedge to be re-planted. This may result in relocation of the bin store, perhaps reducing the number of visitor spaces. However, this issue is not considered sufficient to warrant refusal of the scheme and details can be controlled by an appropriate pre-commencement condition.
6.5.8	There is sufficient space to the front of dwellings to allow cars and emergency vehicles to reach Plots 6 and 7. The shared access is narrowest at a point approximately half way along the garden wall of Plot 1. According to the agent, the width here is 4.04m. It is acknowledged that the actual width may be less depending on boundary treatment options. Shropshire Fire and Rescue has raised no objection.
6.5.9	Although some highways and access concerns have been raised through representation, it is not considered those concerns are sufficient to warrant refusal. Highways has not objected. The development accords with CS6.
6.6	Ecology
6.6.1	The application includes an ecology survey which has been considered by the Council's ecology team. No objections have been raised subject to conditions and informatives. It is noted that Shropshire Wildlife Trust has queried the potential loss of roadside hedge. Landscaping and lighting conditions are proposed to address those concerns.
6.7	Residential Amenity
6.7.1	CS6 seeks to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.
6.7.2	The submitted block plan indicated that dwellings will have floor areas ranging between 84-124sqm. Typical contemporary living accommodation is proposed. Garden space ranges between 38-60sqm. Though limited, this is considered sufficient.
6.7.3	Due to the linear layout and walls at ground floor level, residential amenity is maintained.
6.7.4	Plots 6 and 7 both have small roof terraces front and rear. The rear roof terraces (ie SW end) are enclosed within the first floor. Views outside Bedroom 2/Lounge are only available through the open gable to the SW. There is no floor above on the second floor
6.7.5	The small roof terraces to the front (NE) of the second floor Plots 6-7 are acceptable and their use is not considered to harm the amenity or privacy of

	neighbours.
6.7.6	Separation distances between dwellings forming Plots 1-5 and residents of Washford Road are considered acceptable. The front elevation of Plot 1 to the front elevation of 13 Washford Road is approx. 24.5m.
6.7.7	There will be views over allotments from upper storeys though these views will not harm privacy. There is likely to be some shading over allotments in late afternoon but due to orientation and height of dwellings, impacts to crop growth are likely to be limited.
6.7.8	Concerns have previously been raised about proximity to the railway. The DAS states that the railway tracks are 9m from rear elevations. Opening windows are installed on front windows only. The Regulatory Services Officer has raised no objection though has recommended a condition which requires the submission of a noise assessment and mitigation as necessary to be completed prior to occupation.
6.7.9	Short term disruption and loss of amenity will occur during the construction period, though this can be reduced by imposition of a condition limiting construction hours.
7.0	CONCLUSION
7.1	The principle of development is established by way of S16.1 of the SMDev Plan and outline consent 16/01561/OUT. Some weight can be given to the site being previously developed (brownfield) land.
7.2	In terms of design, scale and form, Highways and residential amenity, the development is considered to accord with CS6 and MD2.
7.3	The development is considered to adequately address site constraints and the contemporary approach has been evidenced and is justified. Subject to further details required by condition the development will not adversely affect the character of the Conservation Area, nor residential amenity, in accordance with the NPPF, CS6, CS17 and MD13.
7.4	Planning permission is recommended.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of

	<p>policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.</p> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

10. Background

Relevant Planning Policies

National Planning Policy Framework
 CS1 - Strategic Approach
 CS2 - Shrewsbury Development Strategy
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD12 - Natural Environment
 MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

PREAPP/10/00602 Erection of 5 residential dwellings and conversion of existing industrial building into a further 3 residential dwellings REC
 10/03606/OUT Outline application for the erection of 6 no.semi-detached dwellings to include access REFUSE 28th September 2010
 11/04364/OUT Outline (access) application for the erection of 6 no.semi-detached dwellings REFUSE 9th March 2012
 12/04866/OUT Outline application for the erection of 6no. semi-detached dwellings to include access GRANT 19th August 2013
 16/01651/OUT Outline application for residential development to include access GRANT 24th October 2016
 18/00268/FUL The demolition of existing industrial units and construction of 7no. dwellings with associated parking and access (amended description) PDE
 SA/86/1167 Erection of a new detached single storey pitched roof replacement workshop, store and office to be used in connection with existing builders business and yard. PERCON 15th January 1987
 SA/89/0820 Erection of builders workshop/store (amendment to previously approved workshop/store to extend approved building by 1.200m). PERCON 25th October 1989

Appeal

12/01966/REF Outline (access) application for the erection of 6 no.semi-detached dwellings DISMIS 26th October 2012

11. Additional Information

View details online:

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

Cllr R. Macey

Local Member

Cllr Nic Laurens

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until details of the new access, including the layout, radii, construction and sightlines indicatively shown on Site Plan (Proposed) Drawing No. WAS-519-XX-00-DR-A-PL003 have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

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

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 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 community communication protocol.

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

5. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping and boundary treatment plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

a) 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);

b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);

- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority in the planting season during first occupation, or if not possible in the first available planting season following first occupation.

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

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.

6. Contaminated land

a) No development, with the exception of demolition works where this is for the reason of making

areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site

Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report

detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance

with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

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

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

A noise assessment shall be submitted to establish the current noise climate in terms of dB LAeq at day and night and dB LAmax during day and night. Where necessary mitigation shall be proposed which meets as a minimum 30dB LAeq and 45dB LAmax in bedrooms at night, 45dB LAeq in habitable rooms in the day, 50dB LAeq in external amenity spaces. Reason: to protect the health and wellbeing of future residents from unacceptable noise from nearby existing sources.

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

7. Prior to first occupation / use of the dwellings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site prior to first occupation:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

8. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the herptile RAMMS, as set out in section 4 of the Ecological Appraisal (Pearce Environment, June 2016).

Reason: To demonstrate compliance with the herptile RAMMS to ensure the protection of herptile species.

9. The internal private drive, parking and turning areas shall be satisfactorily completed and laid out in accordance with the details shown on Site Plan (Proposed) Drawing No. WAS-519-XX-00-DR-A-PL003 Rev 6 prior to the dwellings being first 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.

10. 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.

11. Prior to occupation of the dwellings a noise assessment shall be submitted to and approved by the Local Planning Authority to establish the current noise climate in terms of dB LAeq.

a) The noise assessment shall include dB LAmax during day and night.

b) Where necessary, mitigation measures shall be submitted for approval which meet as a minimum 30dB LAeq and 45dB LAmax in bedrooms at night, 45dB LAeq in habitable rooms in the day, 50dB LAeq in external amenity spaces.

c) Mitigation measures shall be installed as approved prior to occupation of the dwellings and maintained as such thereafter.

Reason: to protect the health and wellbeing of future residents from unacceptable noise from nearby existing sources.

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

12. 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.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Classes A, B, C, D, E, F, G, H and Part 2 Class A shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

14. 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. The drainage system shall be implemented and maintained as approved.
Reason: To ensure that no surface water runoff from the new access/ driveway run onto the highway.

15. Construction and/or demolition work shall not take place and construction traffic shall not access the site outside the hours of 0800-1800 on weekdays and 0800-1300 Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenity of the area

16. Notwithstanding the plans hereby approved, traffic management flow plates shall not be installed at points of access
Reason: In the interests of sustainable traffic management and to avoid the risk of excessive noise disturbance.

Informatives

1. Informative: Ecology - Nesting wild birds

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

2. As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic

Planning Applications which can be found using the following link:
<http://www.shropshirefire.gov.uk/planning-applications>

3. In the planning application, it state that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection must not be made, as it can result in increased flood risk elsewhere.

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other

buildings or infrastructure. Full details, calculations, dimensions and location plan 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 5.0 l/s runoff rate 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.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. 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.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for

any future extensions of impermeable surfaces.

3. 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.

4. The following is brought to the attention of the applicant, this being the consultation response received in relation to the approved planning application 16/01561/OUT.

Network Rail have a defined access point to the railway these must be maintained to Network Rails satisfaction, we also currently park a vehicle with the permission of the current landowner.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rails support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rails land to the public mains system. Soakaways are not acceptable where the following apply:

- o Where excavations which could undermine Network Rails structural support zone or adversely affect the bearing capacity of the ground
- o Where there is any risk of accidents or other acts leading to potential pollution of Network Rails property/infrastructure
- o Where the works could adversely affect the water table in the vicinity of Network Rails structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rails land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rails ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

FENCING

If not already in place, the Developer/applicant must provide at their expense a

suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rails boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rails existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rails boundary must also not be disturbed.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishments guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rails Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rails property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertakers boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rails advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

PARTY WALL

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters.

The applicant is reminded that any works close to the Network Rail boundary, and any excavation works are also covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for the costs. An applicant cannot access Network Rail without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable to all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.

METHOD STATEMENTS/FAIL SAFE/POSSESSIONS

Method statements may be required to be submitted to Network Rails Asset Protection Engineer for prior approval of works commencing on site. Where any works cannot be carried out in a fail-safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e possession which must be booked via Network Rails Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks. The applicant will be liable for all costs incurred by Network Rail (including all possession costs, site safety supervision, asset protection presence). The applicant is reminded that Network Rail can refuse any third party works that would impact adversely on its infrastructure.

In order to mitigate the risks detailed above, the Developer should contact the Network Rails Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

5. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

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.

Waste Collection

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/media/2326/shropshire-refuse-and-recycling-planning-guidance-september-2015.pdf>

6. Information on how to comply with contamination conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes

you to this document:

<http://shropshire.gov.uk/committeeservices/>

[Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf](http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf)

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<u>Committee and date</u>
Central Planning Committee
10 May 2018

<u>Item</u>
6
Public

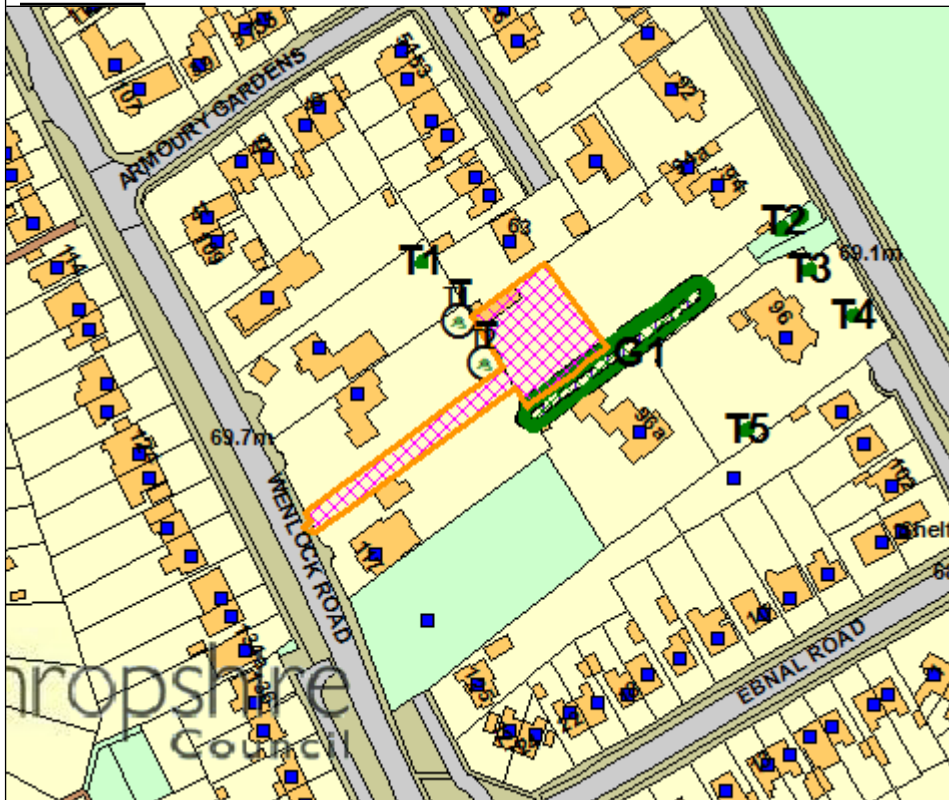
Development Management Report

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

Summary of Application

<u>Application Number:</u> 17/06053/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of 2No. detached bungalows; formation of vehicular access		
<u>Site Address:</u> 117 Wenlock Road Shrewsbury SY2 6JX		
<u>Applicant:</u> Mr Peter Richards		
<u>Case Officer:</u> Frank Whitley	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 350942 - 311359



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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 application seeks planning permission for the erection of 2No. detached bungalows; formation of vehicular access.
1.2	The bungalows are identical in size and comprise 2 bedrooms with standard living accommodation on the ground floor only. There is no accommodation above or openings in the roof. The dwellings are to be set out in an “L” shape, each positioned against the NW (Plot 1) and NE (Plot 2) boundaries. Window and door openings have been altered in Plot 1 to resolve amenity issues with neighbouring dwelling.
1.3	The application includes the demolition of an existing former brick stable.
1.4	Each dwelling is to have a footprint of approx. 14m x 6.9m, and is to be 5.1m high. A small porch is to project from the front. Each is to be constructed from red facing brick under a clay tile roof.
1.5	The application is supported by a tree survey, impact assessment and tree protection plan.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site is a square plot of land approx 30m x 30m set back from Wenlock Road immediately to the rear of 115 Wenlock Road, and to the McCarthy and Stone retirement living development approved under ref 16/04590/FUL. The latter is under construction.
2.2	The plot is bounded on three sides by a substantial red brick wall approx. 2.1m high which is to be repaired and retained. The rear wall of a traditional former stable block forms part of the NW boundary. The stable has been altered with timber cladding and what appears to be an asbestos roof. There are no trees within the site, though the surroundings comprise several trees of high amenity value..
2.3	Planning permission was granted under ref 16/01299/FUL for a single dwelling on the application site, albeit more substantial and higher than the proposed dwellings. This represents the fall back position until 16 June 2019 when the permission would lapse if not commenced.
2.4	Applications for a detached dwelling (ref 09/01627/OUT and 13/00471/REM) were approved in garden land immediately to the NE. It is understood planning

	permission has not been implemented and has lapsed.
2.5	117 Wenlock Road was demolished for the retirement living development. Once that development is complete, it is intended to leave a strip of land against the boundary to 115 Wenlock Road. This land, along with a new opening onto the highway is to provide access to the proposed bungalows.
2.6	The application site is outside of the Shrewsbury Conservation Area.
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 Town Council have submitted a view contrary to officers.
4.0	Community Representations
	Consultee Comments
4.1	Shrewsbury Town Council- objection
	The Town Council objects to this scheme on the grounds that the development is considered to be back-land development and overdevelopment of the site. Members are of the opinion that the development creates poor amenity space for either new dwelling.
4.2	Regulatory Services- no objection subject to conditions
	Have no objection to the proposed development. The case officer is specifically reminded that there will be a need to place construction time conditions on this application due to the built up surroundings.
4.3	Affordable Housing- no objection
	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.
4.4	Highways- no objection
	No Objection – subject to the development being constructed in accordance with the approved details, and the following conditions & informatives. Observations/Comments: The proposed development seeks approval for the erection of two detached 2 bedroom bungalows on land at 117 Wenlock Road, Shrewsbury. The site benefits from planning consent for the erection of a single 4 bedroom dormer bungalow approved under planning applications 13/01801/FUL and 16/01299FUL with access and visibility splays agreed at that time. The current proposal amends the development to two smaller dwellings. Parking and turning for two vehicles per dwelling and a passing place along the proposed driveway are proposed. It is considered that the addition of one further dwelling is unlikely to significantly impact

	<p>on the surrounding highway network and therefore no objection on highway grounds could be sustained. Any proposed gravel parking surface within the property should be contained by an appropriate edging kerb to prevent the gravel from shedding onto the adjoining carriageway.</p>
<p>4.5</p>	<p>Trees- no objection subject to condition</p>
	<p>Initial comments received This application clearly impacts on mature trees on the curtilages, in separate ownership. The proposed drive way has the potential to cause damage to root systems of these trees. Therefore a tree report is required and an arboricultural method statement to state how the drive can be implemented without causing damage to the trees and the effects of the trees on the proposed bungalows including shading and proximity nuisance issues. Without this information I am unable to assess the impact on the trees.</p> <p>Further comments received after Tree Protection Plan submitted</p> <p>The 2 high amenity mature Beech trees to the south west are set back into the adjacent garden by several metres reducing the root protection area (RPA) on the development side. The existing stable block has existing foundations / hard standing in this area which may have encouraged root development to be more extensive outside of this area. Ground protection has been proposed to allow construction to take place (without fencing off the RPA) and is to be laid in advance of construction starting. This also applies to the access driveway which also encroaches onto the RPA's of mature trees in the adjacent garden. I propose to recommend that these trees are made subject to a Tree Preservation Order (TPO) due to their high amenity. This will also ensure that future residents are made aware of their importance and that excessive applications to reduce them will not be allowed. Shading will occur from the Beech despite the orientation of the proposed bungalow, due to their position to the south and west, however as this has no impact on existing properties it is an issue of choice for future occupiers.</p> <p>In order to allow construction, pruning back of several long secondary branches encroaching over the boundary and existing stables will need to be arranged. Presently the situation is that these could be cut back to the boundary (only) without permission from the owners. A better solution may be to ask permission from the owners to allow these branches to be removed back to the main upright stems in order to look better and meet standards for tree pruning BS 3998 2010. Once the trees are subject to a TPO pruning work will also need an application to the Council.</p> <p>Pine trees adjacent to the south east curtilage will also cause shading but to a lesser extent due to their height and smaller crowns, these trees are subject to an existing TPO.</p> <p>I would ask that in order to achieve the above the following condition is added to any approval:</p> <p>Tree Protection</p>

	<p>The protective tree fence shown on the submitted 9999-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-Rev0 shall be erected to the satisfaction of the LPA and in accordance with the BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection" prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.</p> <p>Where specifically approved, temporary ground protection measures and no-dig methodology should be implemented by a suitably qualified tree specialist appointed to supervise works within the root protection areas of protected and retained trees to the satisfaction of the local planning authority, prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction.</p> <p>Reason: To safeguard the amenities of the local area by protecting trees.</p>
4.6	Ecology- no objection subject to conditions and informatives
4.7	Public Comments
	<p>3 Objections have been received on the following grounds:</p> <ul style="list-style-type: none"> ☐ Overdevelopment and detrimental to neighbouring amenity ☐ Inadequate parking causing risk to highway safety ☐ Land should be used for additional parking for McCarthy and Stone development ☐ Impact to ecology and trees ☐ Roof of stable is covered in asbestos and is a hazardous substance ☐ Error in floor area/footprint calculations ☐ Bungalows too high and could have lower roof pitch ☐ Bungalows should be positioned on opposite side of the site ☐ Windows and overlooking between neighbours ☐ Harmful to character of area ☐ Highway safety – primary school and technical college close by ☐ Risk to pedestrian safety on nearby zebra crossing
5.0	THE MAIN ISSUES
	<p>Principle of development Siting, scale and design Visual impact and landscaping Residential Amenity Trees</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	The NPPF seeks at Chapter 6 to deliver a wide choice of high quality homes.
6.1.2	The application site falls within the development boundary of Shrewsbury where the

	principle of residential development is established according S16.1, CS1, CS2. MD1 also sets out the scale and distribution of development across Shropshire.
6.1.3	The principle of development and demolition of the former stable is also established by 16/01299/FUL which can be implemented up to June 2019.
6.2	Siting, scale and design of structure
6.2.1	The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
6.2.2	CS6 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,
6.2.3	MD2 goes further and to ensure (in part) development contributes to and respects locally distinctive or valued character and existing amenity value.
6.2.4	The application site is considered sufficient in size to accommodate the proposal and there is sufficient amenity space and parking allocated for each dwelling. The proposal is not cramped within boundaries. As such it is not considered to represent overdevelopment as has been suggested in representations.
6.2.5	The dwellings are smaller in scale to most dwellings in the surroundings and will have limited impact in their setting. Although this application adds a further dwelling to the site beyond that previously approved in 2016, the cumulative impact in terms of overall scale is considered reduced.
6.2.6	The dwellings are to be constructed in a simple form and materials are considered appropriate for the setting in accordance with CS6 and MD2. There are to be no openings in the roof of either dwelling.
6.2.7	Access is by way of a 70m lane from the highway, which includes provision for passing spaces. No objections have been received from Highways as to layout and access arrangements, subject to conditions.
6.3	Visual impact and landscaping
6.3.1	Contextual elevations have been supplied which demonstrate that alongside the existing form and layout of development, together with neighbouring trees, visual impact will be limited. There are no proposals to demolish the existing boundary wall. A landscaping plan has been supplied which is considered acceptable.
6.4	Residential Amenity.
6.4.1	CS6 seeks to ensure development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.
6.4.2	Concerns have been raised about overlooking and privacy. This issue applies particularly from 63 Armoury Gardens, which is the closest neighbouring dwelling to

	Plot 1, positioned approx. 5.2m beyond the NW site boundary wall. There are two windows on each floor of the gable facing the application site. Upstairs windows are bedrooms.
6.4.3	Plot 1 is to replace the stable and is to have three windows on the rear elevation, though two belonging to the wardrobe and shower room are to be narrow and obscure glazed. The remaining kitchen window does not directly face the gable of 63 Armoury Gardens and is only approx. 1.4m from the boundary wall. Views from here to the upstairs windows of 63 Armoury Gardens are limited and will have very little impact upon the amenity of neighbours. It is not considered necessary to require this window to be obscure glazed.
6.4.4	The upstairs windows of 63 Armoury Gardens will have views directly overlooking the patio space of the nearest dwelling. As first submitted Plot 1 was to have 2 x double glass doors opening onto the patio as per Plot 2. In the interests of privacy, those doors have been replaced with fixed windows, albeit door height equivalent. Although there will continue to be views over the patio of Plot 1, and to a lesser extent the remainder of the site, privacy for occupiers and neighbours is not considered unreasonably harmed and accords with CS6.
6.4.5	Privacy between Plots 1 and 2 is considered maintained and there are no issues with other existing dwellings beyond boundaries.
6.4.6	Being in a residential area, it is considered appropriate to impose conditions related to hours of construction/demolition and on site burning.
6.5	Trees
6.5.1	CS17 seeks to ensure that development will identify, protect, enhance, expand and connect Shropshire's environmental assets.
6.5.2	MD12 seeks the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration.
6.5.3	Several high amenity trees have been identified in close proximity to the site. The Case Officer has conducted a joint site visit with the Trees Officer, who has noted the 2 x beech trees in the garden of 115 Wenlock Road are set back from the boundary, thereby reducing the root protection area within the site, and ensuring that overhanging branches are generally thin and could be cut back subject to appropriate controls. Ground protection has been proposed to the satisfaction of the Trees Officer.
6.5.4	The Trees officer has also expressed an intention to recommend the beech trees are made subject to a Tree Preservation Order (TPO) in order to emphasise their importance and control the extent of branch removal. Even so, the Trees Officer has not stated that such an Order is critical to determining this application.
6.5.5	Issues of shading have been noted, particularly from the SE through to SW in the summer months. There is no impact to existing residents, so impact of shading is a matter of choice for future occupiers. As such, shading issues are not sufficient to

	warrant refusal of the application.
6.5.6	Overall the Trees Officer is satisfied that existing trees can be protected in accordance with CS17 and MD12, subject to the imposition of appropriate conditions.
7.0	CONCLUSION
7.1	The principle of development is established by SAMDev Plan S16.1, CS1, CS2, MD1 and planning permission ref 16/01299/FUL for a single detached dwelling.
7.2	The bungalows fit comfortably within the site, are limited in height and have no openings in their roof space thus reducing issues of residential amenity.
7.3	Where concerns have been identified in relation to the gable openings of Plot 1, they are considered to have been addressed to the satisfaction of the Case Officer.
7.4	Tree protection measures have been assessed by the Trees Officer and are considered acceptable.
7.5	The development complies with CS6, CS17, MD2, MD12. Planning permission is recommended subject to conditions.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights

	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS1, CS6, CS17
MD1, MD2, MD12. S16.1

RELEVANT PLANNING HISTORY:

13/01801/FUL Erection of a dwelling with formation of vehicular access and parking area and erection of boundary fencing GRANT 14th February 2014

16/01299/FUL Erection of a dwelling with formation of vehicular access and parking area and erection of boundary fencing GRANT 16th June 2016

16/04590/FUL Erection of 32 retirement living apartments including communal facilities, landscaping and car parking; formation of vehicular access following demolition of existing property (amended description) GRANT 24th November 2017

17/05823/DIS Discharge of Conditions 3 (CMS) and 4 (Japanese Knotweed) on Planning Permission 16/04590/FUL for the erection of 32 retirement living apartments including communal facilities, landscaping and car parking; formation of vehicular access following demolition of existing property (amended description) DISPAR 17th January 2018

17/06053/FUL Erection of 2No. detached bungalows; formation of vehicular access PDE SA/83/0305 Erection of a dwelling with private garage and the formation of new vehicular access. REFUSE 24th May 1983

SA/99/0517 Erection of a two storey extension to provide a dining room on the ground floor and a bedroom with en-suite on first floor after the demolition of existing outbuilding. PERCON 9th June 1999

SA/01/0264 Erection of a conservatory. PERCON 14th June 2001

SA/01/0537/F Erection of a detached double garage with w.c. and utility and general purpose room above. PERCON 23rd May 2001

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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<u>Cabinet Member (Portfolio Holder)</u>
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Cllr R. Macey

<u>Local Member</u>

Cllr Ted Clarke

Cllr Jane Mackenzie

Cllr Tony Parsons

<u>Appendices</u>

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No 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.

4. The protective tree fence shown on the submitted 9999-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-Rev0 shall be erected to the satisfaction of the LPA and in accordance with the BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection" prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Where specifically approved, temporary ground protection measures and no-dig methodology should be implemented by a suitably qualified tree specialist appointed to supervise works within the root protection areas of protected and retained trees to the satisfaction of the local planning authority, prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction.

Reason: To safeguard the amenities of the local area by protecting trees.

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

5. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.
Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

6. The access apron shall be constructed in accordance with the Council's specification currently in force and shall be fully implemented prior to the development being brought into use.

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

7. Prior to first occupation of the dwellings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site prior to occupation:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

8. 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.

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

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

9. Any hedge or other boundary treatment fronting onto Wenlock Road is to be kept at a height of 800mm at all times.

Reason: To ensure the provision of adequate visibility in the interests of pedestrian and highway safety.

10. No burning shall take place in connection with the development hereby approved including during demolition and clearance of the building and site.

Reason: to protect the amenity of the area and protect the health and wellbeing of local residents.

11. Construction and/or demolition work shall not take place and construction traffic shall not access the site outside the hours of 0800-1800 on weekdays and 0800-1300 Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenity of the area

12. The existing brick site boundary wall shall remain as existing. No works to the wall shall be undertaken except for the purposes of repair and maintenance.

13. Full door height windows in the north east facing elevation of bungalow approved by way of plan reference 1087-06 Type B shall not be formed as opening doors and shall be fixed up to a height at least 1.2m above floor level. Opening hinges where fitted shall be horizontal.

Reason: In the interests of maintaining residential amenity and privacy.

Informatives

1. Works on, within or abutting the public highway

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 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.

Waste Collection

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, cycleways & 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/>

No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

2. The use of soakaways should be investigated in the first instance for surface water disposal.

Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event

provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other

buildings or infrastructure. Full details, calculations, dimensions and location plan 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 5.0 l/s runoff rate 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.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. 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.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for

any future extensions of impermeable surfaces.

3. 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.

Reason: To ensure that no surface water runoff from the new access/ driveway run onto the highway.

4. 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.

3. Bats

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings or other suitable nesting habitat should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species

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Committee and date
 Central Planning Committee
 10 May 2018

Item
7
 Public

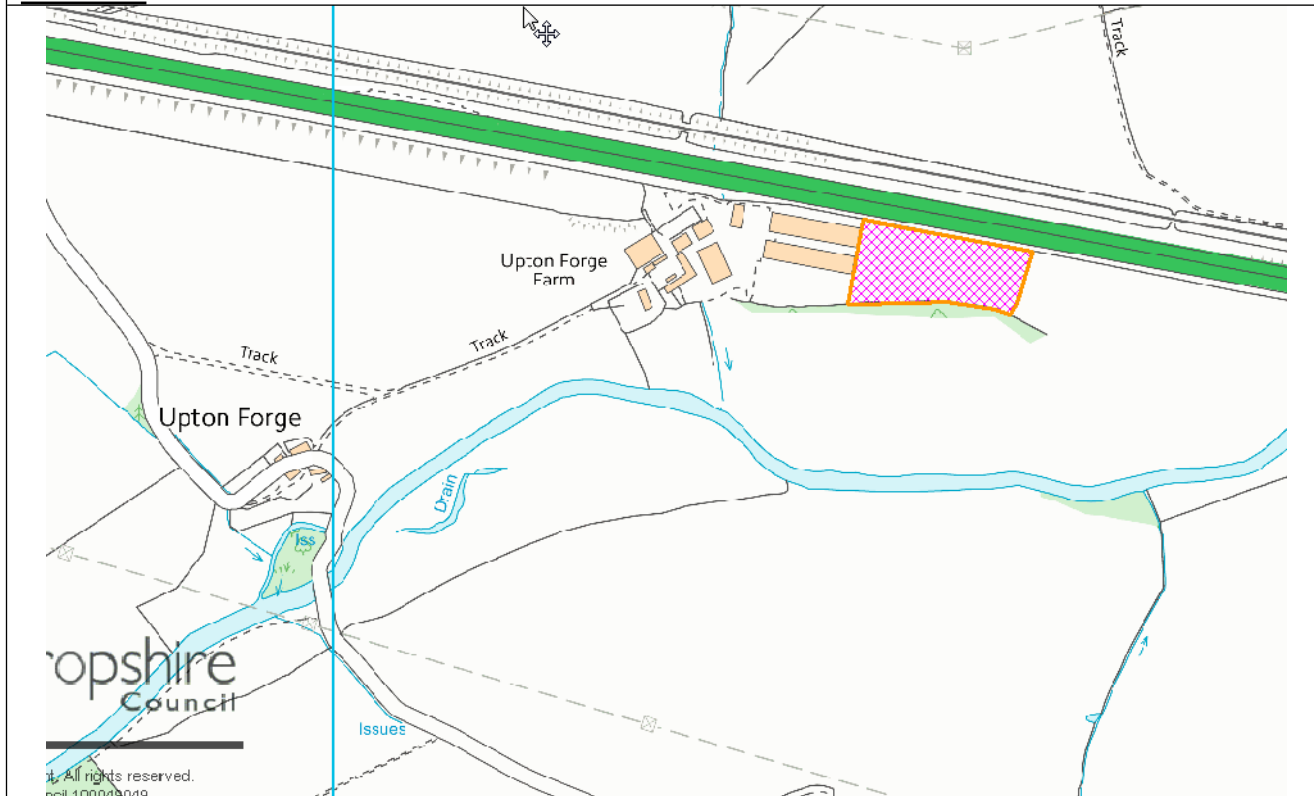
Development Management Report

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

Summary of Application

Application Number: 17/04609/EIA	Parish:	Upton Magna
Proposal: Extension to Forge Farm Poultry Unit to include two poultry buildings and associated infrastructure		
Site Address: Forge Farm Upton Magna Shrewsbury Shropshire SY4 4UD		
Applicant: Forge Farm Poultry		
Case Officer: Philip Mullineux	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 356323 - 311512



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Recommendation:- Delegated approval subject to the conditions as outlined in appendix 1 and any modifications to these conditions as considered necessary by the Head of Planning Services.

REPORT

1.0 THE PROPOSAL

- 1.1 Application proposes an extension to an existing intensive 'Broiler' poultry unit to include two poultry buildings and associated infrastructure at Forge Farm, Upton Magna, Shrewsbury, Shropshire, SY4 4UD.
- 1.2 The application is accompanied by a set of proposed elevation and floor plans, site location plan, block plan, Planning and Design and Access Statement, Environmental Statement which includes reference to noise assessment, odour report, air quality assessment plan, visual impact assessment, historic assessment, flood risk and drainage assessment, amenity impact assessment, arboricultural impact assessment, ecology report, highways assessment and tree location and protection plan. It is understood that the applicants have agreed a routeing plan in relation to HGV movements with the Local Parish Council, this plan was also submitted during the processing of this application for information purposes only.
- 1.3 The application falls into the remit of the Town and Country Planning (Environmental Impact Assessment), Regulations 2017 Schedule two development, in relation to floor space and as such an Environmental Statement is considered necessary in support of the application for development on site. The threshold for schedule one development is 85,000 broiler birds, this application proposes housing for an additional 76,000 broiler birds on site, taking the total up to 196,000. As such the application was advertised by the Council as development accompanied by an Environmental Statement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located on the north eastern side of an existing intensive broiler unit which itself is located on the edge of the farmstead known as Forge Farm which it forms part of. The surrounding area consists primarily of agricultural land down to a mixture of arable cropping and grassland. The village of Upton Magna is approximately 1km to the north-west, to the north side of the adjacent A5 public highway which runs parallel with the site alongside its eastern side. The farm is accessed via a private drive leading from the minor Council maintained road to Upton Forge. This minor road terminates at Upton Forge. There is no direct access on to the A5.

2.2 The application proposes two further intensive 'broiler' poultry buildings to the east of the existing buildings. The existing three poultry buildings were permitted for up to 120,000 birds. This application proposes housing for 76,000 birds which will take numbers up to 196,000 divided between five sheds. This is based on the number of chicks that will be delivered at the start of the cycle. At the end of the cycle this number will probably be less due to an average mortality rate of 4% during each crop.

2.3 The standard broilers will be grown up to 39 days with at least a 10 day turn around period. The break between crops could be longer at certain times of the years such as Christmas or if clean-out is delayed, leading to around 7 crops per year.

The broilers will be brought in as day old chicks at a 50-50 mix of males and females. One thinning will take place at 31-32 days with 40% of the birds being removed at around 1.75kg in weight. The rest of the birds will be removed on 39 days at around 2.4kg in weight.

2.4 The proposed buildings will each measure 103.63 metres by 18.28 metres (340ft by 60ft) bird area (living area accommodation), floor space plus the fan canopy. The buildings will be situated directly to the east of existing buildings at Forge Farm.

There will be 2 feed bins situated between the buildings which will have a capacity of around 18 tonnes and measure 6.6 metres in height and 2.8 metres in diameter. The buildings will be heated by existing biomass buildings located in each end of the existing 3 poultry buildings. It is proposed that the external walls will be box profile polyester coated steel sheeting in goosewing grey and the roof in slate grey to match the existing poultry buildings on site.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Local Parish Council objects. The proposal is for schedule two development, in accordance with EIA Regulations. However, the application proposes a significant amount of broiler birds near to the threshold of schedule one development in accordance with the EIA Regulations and with consideration to cumulative impacts, it has been concluded that Committee consideration is appropriate in this instance. Also the local member requested Committee consideration owing to Local Parish Council concerns in relation to vehicle movements.

4.0 **Community Representations**

4.1 **Upton Magna Parish Council** have responded to the application objecting. Their response indicates:

This planning application was discussed at a meeting on the 12th of October 2017 and it was proposed, seconded and resolved unanimously that Upton Magna Parish Council objects to it for the following reasons:

- As in our objection to the current planning application 16/04965/EIA (proposed poultry units at The Rea, Upton Magna) the Parish Council and parishioners are extremely concerned about the increase in HGV traffic on

the narrow unclassified road that runs from Berwick Wharf to the access road to Forge Farm. This road is already used by HGVs delivering to CJ Wild Bird Food, cars, large farm vehicles, cyclists and pedestrians. The passing places are insufficient to support any increase in HGVs.

- There will be an increase in smell and flies and a deterioration of air quality for residents of neighbouring properties and for the users of one footpath and two bridleways than run close to the site.
- The units will provide no benefits for the local community to compensate for the increased danger to road users and the threat to health and wellbeing of parishioners.
- Should the parish of Upton Magna be expected to endure the hazards of two proposed poultry unit developments that are only 550 yards apart?

The Parish Council formally requests that this planning application is sent for consideration to the relevant planning committee.

4.2

Withington Parish Council (neighbouring), has also responded to the application objecting indicating:

Withington Parish Council wish to object to the expansion of the number of chicken sheds at Forge Farm from 3 to 5 units, reference number 17/04609/EIA, for the following reasons.

HGV TRAFFIC

- The expansion will result in an increase in the number of HGV movements along the Pelham Road between Berwick Road and Upton Forge Farm near Upton Magna and it is this route that most residents of Withington take to get to Shrewsbury. The road is narrow with infrequent passing places to allow HGV's to pass each other safely. There have been a number of instances where HGV's have needed to reverse to allow another to pass which in itself is a dangerous manoeuvre to other road users/cyclists and pedestrians.
- It should be noted that a recent separate application currently under consideration by Shropshire Council to build 2 chicken sheds of comparable size at the Rea Farm in Upton Magna stated that the applicants saw the need to install an additional 3 passing places on the Pelham Road. The applicant considered this an important requirement due to the significant increase in HGV traffic. We therefore request that this should also be a requirement for the applicant who wants to build an additional 2 sheds at Forge Farm.
- Our experience of HGV drivers following routes provided by their customers has shown that they are frequently ignored, and drivers just follow their satnavs. The result is that we get a number of HGV's on the narrow country lanes in Withington looking for businesses in Upton Magna and the surrounding area.

- The main lane from Withington to Upton Magna is a designated cycling route which is frequently used by cyclists, pedestrians and horse riders from the local stables. HGV's represent a danger to these users.
- Should the application succeed then we request that a condition should be the installation of signage along the roads from Withington to Upton Magna be installed stating their unsuitability for HGV's.

HEALTH AND WELL BEING

- The siting of the existing units with South West prevailing winds towards Withington causes an issue of smell which will only get worse with the proposed expansion from 3 to 5 units.

EMPLOYMENT

- The application will not result in any significant local employment as in general such operations only require one full time person

Further additional comments have been received from Withington Parish Council which indicates concerns with regards to public highway access and transportation issues in relation to the proposed development. Concerns are also raised in respect potential impacts on health and wellbeing, and impacts on surrounding public footpaths, bridleways and concerns with regards to SC Highway responses in relation to intensive poultry applications in the surrounding area and inconsistencies as well as inaccuracies/omissions in the Environment Statement submitted by the applicants agent..

4.3 **Consultee Comments**

4.4 **The Environment Agency** has responded with the following comments:

Thank you for referring the above application which was received on the 5 October 2017. We would offer the following comments for your consideration at this time.
Environmental Permitting Regulations: The proposed development will lead to a maximum total number of 220,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the

responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

Forge Farm currently operates under an EP for its intensive poultry operations and has been granted a Variation to the Permit in consideration of the proposed development.

For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.

Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted.

Shed roofs that have roof ventilation extraction fans present, may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via:
<http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does

not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations.

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

<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Natural England have responded to the application indicating:

4.5

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's advice on other natural environment issues is set out below

International sites – Midlands Meres and Mosses Phase 1 Ramsar and Midlands Meres and Mosses Phase 2 Ramsar.

Natural England previously advised that a Habitats Regulations Assessment (HRA) be undertaken due to the proposed development being within the Impact Risk Zones of these designated sites.

We understand that Shropshire Council is now using an approach to considering intensive agricultural development based on National Resources Wales guidance. As such these sites would be screened out of any assessment.

Based on the comments and assessment provided to us by Shropshire Council's Planning Ecologist dated 12 April 2018 Natural England considers that the proposed development will not have likely significant effects on these designations and has no objection to the proposed development.

You may wish to record this to meet the requirements of the Habitats Regulations.

Attingham Park Site of Special Scientific Interest and Allscott Settling Ponds Site of Special Scientific Interest (SSSIs)

Based on the plans and commentary submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which these sites have been notified and has no objection.

An earlier response indicated:

Natural England is a non-departmental public body. Our statutory purpose is to

ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Conservation of Habitats and Species Regulations 2010 (as amended) & Wildlife and Countryside Act 1981 (as amended)

Internationally and nationally designated sites

The application site is within the Impact Risk Zones of internationally designated sites and therefore has the potential to affect their special interest features. International sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). These sites are part of the Midlands Meres and Mosses Phase 1 and the Midlands Meres and Mosses Phase 2 Ramsar site¹ and also notified at a national level as Berrington Pool, Hencott Pool and Bomere, Showmere and Betton Pool Sites of Special Scientific Interest (SSSIs). In addition, the development is within Impact Risk Zones for Attingham Park and Allscott Settling Ponds SSSIs.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

¹ Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

² Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

Habitat Regulations Assessment required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for

the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that the environmental pathways likely to be most relevant to this proposal are through pollution to air and water.

You should use information provided by the applicants to undertake this assessment, it may be useful for the applicant to consider the use of the Ammonia screening Tool to understand the significance or otherwise impacts on the designated sites mentioned above. If the impacts are significant you should consider mitigation as part of the HRA.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Grady McLean on 020 802 61266. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

4.6

SC Regulatory Services raises no objections to the proposal.

4.7

SC Tree Officer has responded to the application indicating:

The submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan has indicated that all the trees on and adjacent to the site fall outside of the development area.

I can support the application if the following is made a condition of an approval:

All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

4.8

SC Drainage Manager raises no objections. The response indicating:

The surface water drainage proposals in the Drainage Report and Flood Risk Assessment are acceptable in principle.

4.9

SC Conservation have responded to the application indicating:

This application is for the provision of two additional poultry units and associated infrastructure on the site of an existing poultry unit business. The site has been subject to an EIA screening process which deemed a heritage assessment and LVIA were necessary in order to properly assess environmental effects on cultural heritage assets and the historic landscape. The proposal site itself may be considered to fall within the wider setting of the Grade II listed farmhouse, Forge Farm.

Policy Context:

In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policy CS6 'Sustainable Design and Development' and CS17 'Environmental Networks' of the Shropshire Core Strategy, Policy MD13 'The Historic Environment' of SAMDev, as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012. Section 66(i) of the Planning (Listed Building and Conservation Areas) Act 1990 applies in terms of the requirement for the LPA to have due regard to preserving the setting of listed buildings as changes to setting can affect the significance of the heritage asset. Consideration of the significance of heritage assets and the impact of any proposed works to those assets should be undertaken in line with guidance contained within the EH/HE publications including Conservation Principles (2008), Seeing the History in the View (2011) and The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3 (2015) and any other relevant guidance documents to be notified by Historic England.

Assessment:

The site, whilst within the wider landscape setting of the listed farmhouse, is visually separated from the historic buildings by the intervening development of three existing poultry sheds, as confirmed by the applicant's heritage impact assessment. Coupled with the low profile of the proposed structures, their potential effect on the character and significance of the listed building is limited.

In summary, we would agree with the assessment, which identifies that there would little or no impact on the character, setting or significance of the built designated heritage assets identified in the report - either those in close proximity to the site or further afield, including Attingham House and Park.

It must be noted, however, that the site lies within the immediate setting of the former mill leat running to Upton Forge, which itself is a non-designated heritage asset. Archaeology colleagues will provide comments on this aspect of the development separately and it's potential to affect significance through change to the setting of the asset.

Recommendation:

4.10

With screening and the use of an appropriate dark matt colour finish to the building envelope, and feed storage infrastructure, the residual effect of the development's impact on listed buildings is deemed to be negligible and the proposals acceptable, subject to relevant conditions.

SC Archaeology Manager has responded to the application indicating:

Comments: Background to Recommendation:

The proposed development comprises two addition poultry units for up to 76,000 birds, which together with the three existing units, would be bring the total capacity at Forge Farm to 196,000 birds.

The farmhouse at Forge Farm is Grade II Listed (NHLE ref. 1239509) 17th century timber framed house with 19th and 20th century additions. Three ranges of associated traditional farm buildings exist to the north-east and are separated from the proposed development site by the intervening modern portal farmed sheds and existing poultry buildings.

The Shropshire Historic Environment Record also indicates that the proposed development site is located c.200m west of the former site of Duncote Forge (HER PRN 04320). In the 18th century this was part of Upton Forge (HER PRN 01613), which was located c.740m to the south-south-west. Established in the mid-17th century, possibly re-using an earlier corn mill, the iron-working forge at Upton expand to become one of the largest ironworks in the country in 18th and early 19th centuries. Leased by William Hazeldine in 1800, it supplied ironwork for some of the major civil engineering projects of the age, including the links for Thomas Telford's Menai Bridge. A leat (HER PRN 29229) which supplied water to the forge and former pool are located immediately south of the proposed development site.

In addition, there are also a number of prehistoric and Roman cropmark sites within the wider vicinity of the proposed development site. These include a ring ditch of likely Early Bronze Age date c.620m to the south west (HER PRN 04165); together with three cropmark enclosures of likely Iron Age to Roman date c.635m to the west (HER PRN 08098), 500m to the south-west (HER PRN 00049), and c.610m to the east (HER PRN 04391).

An archaeological watching brief conducted in 2012 on the previous extension to the poultry farm found that that part of the site had low archaeological potential. Whilst this remains the case for the present proposed development site, for the reasons set out above it remains possible that archaeological remains from the prehistoric and post-medieval period are present on it.

RECOMMENDATION:

A Heritage Impact Assessment by Richard K Morriss and Associates has been submitted in relation to the requirements set out in Paragraph 128 of the NPPF and

Policy MD13 of the Local Plan. We confirm that we concur with its findings with regard to the archaeological interest of the proposed development site.

On the basis of the recommendations within the Heritage Impact Assessment, and in relation Paragraph 141 of the NPPF and Policy MD13 of the Local Plan, it is advised that a programme of archaeological work should be made a condition of any planning permission for the proposed development. This should comprise an archaeological watching brief during all intrusive ground works. An appropriate condition of any such consent would be: -

Suggested Condition:

No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

4.11 Reason: The site is known to hold archaeological interest

SC Highways raises no objections. The response indicates:

No Objection – Subject to the development being undertaken in accordance with the approved details and the following informatives

Observations/Comments:

It is considered that the Highways Statement supporting this development proposal is sufficiently robust and adequately demonstrates the likely impact this development might have on the adjacent public highway. Therefore, it is considered that the proposed development, would be acceptable from a highways & transport perspective.

Informatives:

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/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.

4.12

SC Planning Ecology have responded indicating:

Natural England has provided a formal consultation dated 26th April 2018 confirming no objection:

International sites – Midlands Meres and Mosses Phase 1 Ramsar and Midlands Meres and Mosses Phase 2 Ramsar.

Based on the comments and assessment provided to us by Shropshire Council's Planning Ecologist dated 12 April 2018 Natural England considers that the proposed development will not have likely significant effects on these designations and has no objection to the proposed development.

Attingham Park Site of Special Scientific Interest and Allscott Settling Ponds Site of Special Scientific Interest (SSSIs)

Based on the plans and commentary submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which these sites have been notified and has no objection.

Please include the condition and informatives below on a planning decision notice.

Ammonia Emissions

The Environment Agency has permitted the site for a total of 196,000 bird places. Planning Agent Berry's have confirmed via email dated 22.11.2017 that the current proposal is for 76,000 bird places.

SC Ecology has not identified any Natural Assets (i.e. Local Wildlife Sites or Ancient Woodlands) in 2km of the installation. Two Nationally Designated Sites have been identified in 5km namely – Attingham Park SSSI and Allscott Settling

Ponds SSSI. SC Ecology is using screening distances set by Natural Resources Wales to assess planning applications (please refer to NRW Guidance Note 20, 2017). There are no International Designations in 5km of the installation.

The process contribution from 76,000 bird places has been calculated by SC Ecology using Ammonia Screening Tool provided by the Natural Resources Wales:

Habitat Type	Habitat Name	Distance from Emission Source (m)	Ammonia Screening Tool Predicted Ammonia (ug/m3)	Ammonia Screening Tool Predicted Deposition (N) - kg/ha/yr
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e.g. SAC/SSSI/LWS _____

SSSI	Allscott Settling Ponds	2,924	0.046	0.237
SSSI	Attingham Park	1,322	0.197	1.022

SC Ecology has looked up the SSSI citation on Natural England website - <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx> (attached to this planning response).

Allscott Settling Ponds is designated for its bird community of county importance. Attingham Park is designated for its Invertebrate Assemblage.

SC Ecology is satisfied that the proposal for 76,000 birds is unlikely to have a significant adverse effect, directly, indirectly or cumulatively on designated Wildlife Sites as the citation features are not sensitive to increase in ammonia/nitrogen deposition. SC Ecology concludes that no further information is required to assess impacts on designated sites.

Natural England has formally responded, dated 26th April 2018, stating no objection.

No further survey work is required to support this proposal.

Environmental Network

The site has the potential to enhance the area for biodiversity. The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.

This proposed development site is adjacent to the Environmental Network and as such the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework. Proposed landscape information should be submitted prior to commencement of development. SC Ecology would expect tree planting to be included in the landscape plan.

Please include the conditions and informatives below on a planning decision notice:

1. Within two months of the date of this permission an ammonia mitigation scheme shall be submitted in writing for the approval of the local planning authority. The submitted scheme shall set out measures proposed to enhance the area for biodiversity and mitigate against impacts of the proposed development on designated sites caused by emissions and deposition of ammonia.

The proposed compensation measures shall include woodland/tree/hedge planting. The ammonia mitigation scheme shall include:

- a) details of the planting of woodland/trees/hedgerows and the establishment of grassland (including a layout plan drawn to scale which can be enforced by a planning enforcement team);
- b) the location of planting and seeding;
- c) written specifications (including cultivation and other operations associated with plant and grass establishment);
- d) schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities;
- e) measures for the management of the seeded and planted area for the lifetime of the development, with the objective of maintaining its effectiveness in mitigating against ammonia impacts of the poultry development. This shall include details of:
 - i) aims and objectives of management;
 - ii) preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually;
 - iii) personnel responsible for implementation of the plan;
 - iv) monitoring and remedial/contingency measures triggered by monitoring;
 - v) the financial and legal means through which the plan will be implemented.

The agreed planting scheme shall be implemented in the first planting season and retained thereafter.

Reason: To ensure an appropriate level of mitigation against the adverse impacts that the development would have on designated sites from ammonia emission/nitrogen deposition, and to seek a biodiversity enhancement consistent with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

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

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

Informative

Where it is intended to create semi-natural habitats, all species used in the planting

proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

Informative

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Informative

4.13 On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

4.14

Public Comments

One letter of objection has been received from members of the public. Key planning issues raised can be summarised as follows:

- 4.15
- ☐ Concerns with regards to over intensive development.
 - ☐ Development will have negative impacts on the surrounding environment.

A letter of concern has also been received from Withington Parish Council, (Neighbouring Parish Council). Issues raised refer to:

- Withington residents frequently use the Upton Magna to Berwick Wharf road. It has been noted that there is an inconsistency between the Shropshire Council Highways reports for Forge Farm and The Rea for what is essentially the same route except for the bridge over the A5.

- Both Applications are South-West to the village of Withington and down wind of the prevailing winds.
- We believe that the Environment Agency 14/8/17 has given new information regarding the combined effect of both projects affecting designated sites.
- We realise that as the planning application is in the Parish of Upton Magna and understand that Withington would not therefore be invited by yourselves to make a comment. Could we please ask that in this instance you inform us if/when a further opportunity to make comments becomes available.

5.0 THE MAIN ISSUES

- Environmental Impact Assessment
- Planning policy and principle of development.
- Siting, scale and design of structures and visual landscape impact.
- Residential amenity.
- Ecology
- Highway access and transportation

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 A scoping Opinion carried out by the Local Planning Authority dated 16th September 2016 in accordance with Environmental Impact Assessment, (EIA), Regulations 2011 in relation to the housing of up to 82,000 broiler birds in two intensive broiler units on a site where 120,000 birds are existing in three existing separate sheds on site established that overall and with consideration to cumulative impacts with the existing birds retained on site that the development fell under the remit of Schedule 1:17a development in accordance with EIA Regulations.

6.1.2 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, (came into force on 16th May 2017 replacing the 2011 Regulations), and specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of broiler birds is 85,000 or more. The proposed development falls into the remit of schedule 2 development of the 2017 EIA Regulations in accordance with 2:1(c) – Intensive livestock installations where the area of floor space exceeds 500 square metres. As such with consideration to the cumulative impacts, the current proposal is considered EIA development. The planning application is accompanied by an Environmental Statement, as referred to in the 2017 Regulations.

6.1.3

The Environmental Statement in support of the application makes reference to a sequential site selection, (alternative locations), as set out in Chapter 3 of the Environmental Statement, to which detail indicates that choice of location was largely down to the requirement in relation to landscape impact, operations efficiency of the agricultural business concerned and locational issues such as highway access and amenity issues. Officers consider detail as set out on site selection is considered satisfactory with consideration to the farming business concerned and the location and impacts etc. Whilst it is acknowledged that an application for two intensive broiler units is currently under consideration, (ref 16/04965/FUL), at a farm known as Rea Farm some 700 metres distance from the application site, this application is as of to date undetermined, and in any case in consideration of location, land topography and distance, the development subject to the application under consideration is considered acceptable.

6.2 Planning policy and principle of development

6.2.1 The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprises in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

6.2.2 Core Strategy Policy CS5 states that 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 specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.

6.2.3 SAMDev Policy MD7b indicates planning applications for agricultural development will be permitted where it can be demonstrated that the development is of a

size/scale and type which is consistent with its required agricultural purposes and the nature of the agricultural enterprise, well designed and located and, where possible, sited so that it is functionally and physically closely related to existing farm buildings, with no unacceptable impacts on environmental quality and existing residential amenity.

- 6.2.4 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy, and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of an extension to the poultry unit in this location, as an extension of acceptable scale to the existing poultry enterprise can be supported. Policies recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.

6.3 **Siting, scale and design of structures and visual landscape impact.**

- 6.3.1 Core Strategy Policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. Policy MD12 of the SAMDev also puts emphasis on the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration. It is noted that the site is not located within an area designated for landscape value.

- 6.3.2 The application site is located alongside three existing intensive poultry sheds, also in the control of the applicants, producing broilers and therefore this application is to be considered as a proposal to extend the existing intensive poultry enterprise.

- 6.3.3 The surrounding landscape is characterised by fields with hedgerow boundaries and small copses of native woodland. Adjacent to the site on its eastern side is the A5 public highway and this acts as a natural boundary to the site with its native screening between the highway and the existing intensive poultry buildings. It is considered that the two further intensive poultry units and the feed silos as proposed will impact on the landscape visually and its character. Poultry sheds may have a significant impact on the surrounding landscape, however in this instance with consideration to the location, it is considered that any impact will not be severe and that the impact can be mitigated with further landscaping. As such it is necessary to attach a condition to any approval notice issued, in order to ensure adequate landscaping is carried out in order to mitigate the development into the surrounding landscape to an acceptable manner.

- 6.3.4 The Environmental Statement in support of the application includes a chapter that refers to a Landscape and Visual Impact Assessment (LVIA). This concludes that there are no other known poultry developments or other large scale agricultural developments taking place in the immediate area and therefore no known potential

for cumulative landscape of visual effects. The direct effects on landscape will be limited. (as referred to in paragraph 6.1.3 above a separate application is registered with the Council for two intensive broiler units at Rea Farm, which is located some 700 metres from the application site, with consideration to the surrounding land topography, surrounding vegetation and the A5 public highway which separates the two sites, impacts in relation to siting, scale and visual impact is considered acceptable). The proposed development is on an arable field and no important landscape features or elements will be lost as a direct consequence of the development. The proposed development will be compatible with the surrounding agricultural land uses and comprehensive mitigation will be implemented.

With regard to indirect effects and the perception of landscape character, it is considered that the proposed development will have minor effect on the 'Estate Farmlands' landscape character on which the development site is located. The effects on the other character areas surrounding the site will be minor or none. Overall impact on the landscape is considered to be minor.

The development will not have any significant impact on heritage assets. The impacts on visual amenity have been assessed and considered to be minor. Overall, the landscape and visual assessment has established that the proposed poultry installation will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity.

6.3.5 In conclusion, although the development would be visible to certain receptors within the 2km study area, the low level of the buildings, existing buildings, and the restricted/ partial views are such that the development would not dominate the overall scenery. In overall terms, despite a degree of potential impacts, Officers share the findings of the LVIA in that the location of the proposed poultry unit is not considered to be out of scale or keeping with the local setting, or the areas visual amenity and character.

6.3.6 It is also acknowledged that this application is for an extension to an existing poultry unit and as such with landscape mitigation in the form of native tree and hedge planting development on site, can be mitigated to an acceptable level, both visually and cumulatively with consideration to the existing on site. Existing screening on site is not considered adequate in relation to the scale of the development on site in relation to the overall character of the existing landscape, and as such this further strengthens the requirements for landscape mitigation. It is also acknowledged that detail in support of the application indicates the applicants' willingness for further landscape mitigation.

6.3.7 With consideration to the above-mentioned, and further landscape mitigation as discussed, on balance, the development is acceptable in relationship to siting, scale and landscape and visual impact, and as such in accordance with the overall aims and objectives of the NPPF, Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and relevant policies of the SAMDev.

6.4 **Residential amenity and public protection**

6.4.1 The proposed development is located approx. some 1.1 km from the nearest

settlement known as Upton Magna. The National Planning Policy Framework in paragraph 122 states that 'local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

- 6.4.2 The applicants will need to obtain from the Environment Agency a variation to their existing Environmental Permit in order to operate from the site, this will control issues in relationship to residential amenity. The Environment Agency's response to the application raises no objections, indicating that they have recently issued a variation to the site permit. This will cover issues such as on site noise, emissions and waste and their management, the permit also covers issues of concern in relationship to surrounding residential amenity. An odour management plan will also form part of the Environmental Permit. The response also refers to planning advice as set out in the NPPF. Management operations are as outlined in the EA response as indicated in paragraph 4.4 of this report. The EA response indicates That it will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit the Environment Agency confirm in their response that they will take action in-line with their published Enforcement and Sanctions guidance.
- 6.4.3 The applicants as part of their Environmental Statement in support of the application have submitted an odour impact assessment in relation to the additional housing of up to 82,000 boilers on site, and this indicates that dispersion modelling has been completed, which predicts that the proposed development will not lead to unacceptable odour impacts. The average impact is below the EA limit for intensive agricultural operations at all assessed receptors. Should the odour control measures detailed in a site odour management plan be followed during typical operation and abnormal events, these potential impacts will be reduced even further.
- 6.4.4 Information submitted in support of the application, as part of the Planning Statement is considered acceptable in relationship to residential amenity, as it is noted that none of the statutory consultees raise any objections on this matter.
- 6.4.5 It is noted that SC Regulatory Services have responded to the application raising no objections. Based on the information submitted in support of the application and on-site observations, it is considered that there will be no significant adverse impact on the amenity of the area and that the permit issued and regulated by the Environment Agency will control elements in relation to surrounding amenity.
- 6.4.6 However the Environmental Permit issued and monitored by the Environment Agency only covers on site activities and therefore feed deliveries to the site and manure movements off the farming unit concerned will not be covered by the

permit, (other than on-site activities), and as such, with consideration to vehicle movements as well as residential amenity, it is recommended that conditions are attached to any approval notice issued restricting times for feed deliveries and that any manure removed off site is done so in sealed and covered containers/trailers. Manure disposal on site will form part of the Environmental Permit regime and is a matter for the applicants to address as part of their environmental permit.

6.4.7

6.4.8 **Manure management, storage and disposal**

Information in support of the application indicates that most of the litter will be used on the farm and any excess exported to local farms for spreading directly to the land or for use as feedstock in on-farm anaerobic digesters. Any manure required to be stored on the farm will be in temporary field storage sites. The Environmental Statement further states that manure storage is important when preventing fly infestations as it can be attractive as a breeding site. By reducing moisture levels in the manure (to around 30%) flies will not find it suitable for laying eggs. Frequent inspections of storage sites are required to ensure there is no fly activity as even manure that is produced, transported and delivered in a dry, fly free condition can sometimes become infested. There will be careful management and monitoring of any manure stockpiles, although the management practices will minimise the need to stockpile by having quick spreading and incorporating to land. Any stockpiled manure will be checked once a week between April and October inclusive to ensure there is no fly activity in the manure. If on these inspections, any fly larvae are found in the manure, immediate steps will be taken to control the fly and larvae populations. The methods to be used for the control are those recommended in the 'Code of Practice for the use of Poultry Manure'. This includes keeping records of inspections, covering the stockpiles at the first sign of fly activity (sheeting raises the temperatures which kills any flies and larvae), ensure the manure remains covered for at least 10 days, and during the summer months of May to September not to store manure near to residential areas.

6.4.9

As part of the Environmental Permit the application will need to supply a manure management plan, this includes a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants' land ownership. The unit is also thoroughly cleaned down at the end of each bird cycle. Manure will be removed from the poultry houses at the end of each rearing cycle in sealed trailers and taken from the site to land in the applicants ownership or receiving farms, to which it is understood a 'Farm Manure Management Plan', will ensure satisfactory management, This ensures that the rates and area for spreading within the farm unit are sustainable and meet the DEFRA guidelines to meet:

- Protecting our Water, Soil and Air - A Code of Good Agricultural Practice for farmers, growers and land managers 2009 and
- Manure Management Plan: a step-by-step guide for farmers – June 2003

6.4.10

Poultry manure is considered a valuable agricultural fertiliser and there is high demand from the arable farming industry. Spreading manure provides nutrients to grow crops and also adds organic matter to the soil to improve soil structure. The

6.4.11 storage and spreading of farmyard manure is controlled through the Nitrate Pollution Prevention Regulations 2015. These regulations dictate where manure can be stored, where it can be spread and the timing of spreading during the year. Compliance with the regulations is monitored by DEFRA under cross compliance legislation with fines in place for non-compliance.

6.4.12 The legal process for the transfer of the waste from the site will require the applicant to record the dates and quantities of manure exported and the name address and farm holding number of the recipient farm. Once the manure reaches the recipient farm, the legal duty of compliance with the Nitrate Pollution Prevention Regulations 2015 passes to the recipient. The storage of manure in field heaps is regulated in Part 6 (para 23, sub section 3) of the Nitrate Pollution Prevention Regulations 2015 and the application of organic manure to land is controlled within Part 5 of the Nitrate Pollution Prevention Regulations 2015. The regular removal of the manure removes the potential breeding medium for flies.

6.4.13 In accordance with the Environmental Permitting Regime, the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants' land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

6.4.14 It is noted that neither the Environment Agency, or the Council's Regulatory Services Manager raises any issues of concern on these matters and this includes reference to potential fly problems. Officers consider information in support of the application on these issues to be acceptable with consideration to the required processing as discussed above.

6.4.15 It is recommended that conditions are attached to any approval notice if members are mindful to approve the application, in order to ensure adequate consideration to disposal of manure generated on site and its spreading on land and consideration to residential amenity, as well as impacts in relation to use of surrounding public footpaths by means of a manure management plan, and also a condition in order to ensure all manure removed off the intensive poultry site is done so in sealed and covered trailers. It must also be noted that the Council's Public Protection section has statutory powers to deal with any proven amenity issues as a result of the development.

On balance the proposal is considered acceptable in relation to surrounding residential amenity issues with consideration to measures as discussed in the paragraph above. As such the proposal is considered to be in accordance with relevant policies of the Shropshire Core Strategy, the Council's SAMDev and the National Planning Policy Framework on issues in relation to residential amenity and

6.5 public protection.

6.5.1 **Ecological issues.**

Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and Policy MD12 of the SAMDev clearly indicate the requirement for development proposals to demonstrate that there are no unacceptable adverse environmental impacts.

6.5.2 Applications should demonstrate a project level Habitats Regulations assessment for all proposals where the local planning authority identifies a likely significant effect on an internationally designated site. Developments should only be permitted if it can be clearly demonstrated there will be no likely significant adverse effects directly, indirectly or cumulatively in relationship to a number of criteria which includes reference to priority species, priority habitats important woodlands, trees and hedges, ecological networks, visual amenity, landscape character and local distinctiveness.

6.5.3 Both the Council's Planning Ecologist and Natural England have considered this application. Determination of this application has been held up owing to the on-going concerns in relation to ammonia impacts and the requirement to ensure that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

6.5.4 The key issue of concern related to ammonia emissions as a result of the proposed development. All environmental sites need to be assessed in terms of ammonia screening. It is also considered necessary for the requirements for habitat enhancements as a form of ammonia mitigation which is required or should be demonstrated on a proposed landscape plan. (For further information on this issue please refer to paragraphs 4.4 and 4.12 above).

6.5.5 On further consideration in relation to ammonia outputs and mitigation and enhancement measures offered, the Council's Planning Ecologist and Natural England consider that there will be no significant effects on sites of ecological interest, and as such the proposal does not need to be considered in-combination with other plans or projects.

6.5.6 SC Ecology In their response has indicated that they are satisfied that the proposal for 76,000 birds is unlikely to have a significant adverse effect, directly, indirectly or cumulatively on designated Wildlife Sites as the citation features are not sensitive to increase in ammonia/nitrogen deposition. SC Ecology concludes that no further information is required to assess impacts on designated sites.

6.5.7 Natural England formally responded, on 26th April 2018, stating no objection, indicating no further survey work is required to support this proposal.

The site has the potential to enhance the area for biodiversity. The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental

- 6.5.8 Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.

This proposed development site is adjacent to the Environmental Network and as such the proposed scheme will need to clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework. It is considered that a landscape mitigation condition attached to any approval notice can adequately address this matter.

- 6.5.9

With consideration to the above-mentioned and with additional mitigation and biodiversity enhancement by way of a condition attached to any approval notice issued as discussed, it is considered that the concerns as initially raised on ecological issues can be addressed satisfactorily and as such the development on balance considered to be in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policy MD12 of the SAMDev and the overall aims and objectives of the NPPF in relationship to sustainable development and environmental and ecology matters.

- 6.6 **Other matters.**

- 6.6.1 **Drainage.**

- 6.6.2 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. The site is located in Flood Zone 1 (low probability, in Zone rating) based on the EA indicative Flood Zone Map. The applicants have submitted a flood risk and drainage assessment in support of the application and its findings are considered acceptable. It is noted neither, the EA, or the Council's Drainage Manager raise any objections in relation to drainage matters, the latter indicating the proposal acceptable in principle. It is recommended that a condition with regard to a sustainable drainage system is attached to any approval notice issued. With consideration to such a condition the proposed development considered acceptable on drainage matters and in compliance with Policies CS5 and CS18 of the Shropshire Core Strategy and Policies MD2 and MD7b of the SAMDev and the NPPF on drainage matters.

- 6.6.3 **Highway access and transportation issues.**

- 6.6.4 Whilst the concerns of the Local Parish Council and neighbouring Parish Council in relation to highway and transportation issues are noted, highway and transportation issues are considered acceptable and it is noted that the Council's Highways Manager raises no objections in relation to the proposed development, indicating the Highways Statement submitted in support of the application is sufficiently robust and adequately demonstrates the likely impact this development might have on the adjacent public highway. The increase in bird numbers is related to the expected number of vehicle movements as referred to in the applicants Highways Assessment that forms part of their Environmental Statement. Based upon the vehicle movement figures provided, the increase in traffic for the operation of the

business once the building is completed is not considered to be significant in terms of the capacity of the highway network. The submitted information does identify the traffic associated with the construction phase to which it is acknowledged will be significant, however this is a short term matter. It is noted that the Local Parish Council in response to the application raised concerns in relation to HGV vehicle movements and that since validation of the application that the applicants have agreed a routeing plan in relation to HGV movements along local public highways connecting the site. This process is considered acceptable to Officers and it is recommended that an informative note is attached to any approval notice issued reminding the applicants of their obligations in relation to the traffic routeing agreement submitted in support of the application and agreed in principle with the Local Parish Council. It is appreciated that night time feed deliveries can have an impact on residential amenity and as discussed in paragraph 6.4.6 of this report, it is recommended that this aspect of the development is subject to a condition to any approval notice issued.

6.6.5 Overall, with consideration to transportation and highway matters as discussed above and vehicle movements as indicated by the applicants which includes consideration to HGV movements and the response from the SC Highways Manager, it is considered on balance that the proposed development is acceptable in relation to highway and transportation issues and overall in accordance with relevant local plan policies and the NPPF on highway and transportation matters.

6.6.6 **Archaeology**

6.6.7 The Archaeology Manager in response to the application has indicated that the Shropshire Historic Environment Record indicates that the proposed development site is located c.200m west of the former site of Duncote Forge (HER PRN 04320). In the 18th century this was part of Upton Forge (HER PRN 01613), which was located c.740m to the south-south-west. Established in the mid-17th century, possibly re-using an earlier corn mill, the iron-working forge at Upton expand to become one of the largest ironworks in the country in 18th and early 19th centuries. Leased by William Hazeldine in 1800, it supplied ironwork for some of the major civil engineering projects of the age, including the links for Thomas Telford's Menai Bridge. A leat (HER PRN 29229) which supplied water to the forge and former pool are located immediately south of the proposed development site.

6.6.8 In addition, there are also a number of prehistoric and Roman cropmark sites within the wider vicinity of the proposed development site. These include a ring ditch of likely Early Bronze Age date c.620m to the south west (HER PRN 04165); together with three cropmark enclosures of likely Iron Age to Roman date c.635m to the west (HER PRN 08098), 500m to the south-west (HER PRN 00049), and c.610m to the east (HER PRN 04391).

6.6.9 An archaeological watching brief conducted in 2012 in relation to the existing poultry farm located alongside the application site, found that that part of the site had low archaeological potential. Whilst this remains the case for the present proposed development site, for the reasons as set out above, it remains possible that archaeological remains from the prehistoric and post-medieval period are

present on it.

6.6.10

The Archaeology response acknowledges that an Heritage Impact Assessment has been submitted in relation to the requirements as set out in Paragraph 128 of the NPPF and Policy MD13 of the Local Plan, and that its findings are considered acceptable.

6.6.11

On the basis of the recommendations within the Heritage Impact Assessment, and in relation Paragraph 141 of the NPPF and Policy MD13 of the Local Plan, it is recommended that a programme of archaeological work should be made a condition of any planning permission for the proposed development. This will entail an archaeological watching brief during all intrusive ground works, as recommended by the Archaeology Manager.

7.0

CONCLUSION

7.1

The proposal is for two intensive broiler units in addition to three existing ones which will add a further 76,000 broilers on site taking the total up to 196,000 on site. The application also provides provision for two feed silos and hard standing area.

7.2

It is acknowledged that the development is significant in scale and does have a limited impact on the landscape. However it is considered that the proposed development, with consideration to the surrounding landscape character, topography and field layout, and existing development on site, with further landscape mitigation, can be successfully integrated into the surrounding landscape. This will also assist in relation to ammonia emissions which has recently been a contentious issue in relation to intensive poultry applications, a matter that has been subject to detailed and complex consideration. Consideration has also been given to impacts on the historic landscape, and on this matter whilst it is acknowledged that the farmhouse connected to the site is a grade II listed building impacts on the setting of the historic environment are considered acceptable. 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.

7.3

On balance with consideration to the location, size and scale and cumulative impacts, it is considered that there will not be an adverse impact. Also the economic benefits to the business concerned and production of local food with further landscape mitigation in the form of native planting and the external colour of the development, is on balance acceptable in principle.

7.4

Public highway access and transportation issues are considered acceptable, as are residential amenity issues, with conditions attached to any approval notice with regards to a manure management plan and transportation of manure off site. It is also noted that matters in relation to on site issues in relation to amenity and day to day management of the site are subject to the Environment Agency's permitting regime. It is noted that the applicants in discussions with the Local Parish Council

have agreed to a transportation routing plan in relation to HGV movements. Other issues as raised by both the relevant and neighbouring Parish Council and in the letter of objection from a member of the public are considered to be addressed satisfactory.

7.5 The findings and conclusions as indicated in the information submitted in support of the application and the Environmental Statement are on balance considered acceptable.

7.6 As such the proposed development overall is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the SAMDev, the National Planning Policy Framework and other relevant planning guidance and legislation which includes the provisions of the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The recommendation is therefore one of approval subject to conditions as attached as appendix one to this report, with any modifications as considered necessary by the Head of Service.

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:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment
 MD13 - Historic Environment
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

11/04954/EIA Erection of one poultry unit with control room, two feed bins, construction of concrete hardstanding area and associated works GRANT 29th February 2012
 12/01354/DIS Discharge of Condition 4 (Landscape Scheme), 5 (Archaeological Mitigation Strategy), 6 (Badger Mitigation Plan) and 7 (Lighting Plan) attached to planning reference 11/04954/EIA - Erection of one poultry unit with control room, two feed bins, construction of concrete hardstanding area and associated works DISAPP 21st May 2012
 16/03371/FUL Erection of grain storage building to include biomass boiler and woodchip storage GRANT 28th October 2016
 16/04030/SCO Request for Scoping opinion: Proposed poultry Units SCO 30th September 2016
 17/04609/EIA Extension to Forge Farm Poultry Unit to include two poultry buildings and associated infrastructure PDE
 SC/MS1990/1004/SY Disposal of surplus highway materials from A5/A49 By-pass PERMIT 30th October 1990
 SA/90/1004 Disposal of surplus natural subsoils arising from excavations for the construction of the A5/A49 Link Road. PERCON 30th October 1990

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 Lezley Picton
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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 any development on site details will be submitted to the Local Planning Authority and approved in writing with regards to a sustainable drainage system which will take account of both surface and foul water, (contaminated), drainage.

Reason: In order to ensure an adequate drainage system is in place.

4. Prior to any development on site details will be submitted to the Local Planning Authority and approved in writing with regards to a Manure Management Plan which will consider the effects on residential amenity, any nearby public rights of way and ecological concerns from manure spreading to be effectively monitored and controlled.

Reason: In order to ensure adequate consideration to the residual affects of development on site and impacts of disposal of waste , (to which it is accepted manure produced on site is considered a valuable organic fertilizer), generated on site and its subsequent disposal.

5. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest

6. Within two months of the date of this permission a landscape mitigation and ammonia mitigation scheme shall be submitted in writing for the approval of the local planning authority. The submitted scheme shall set out measures proposed to enhance the area for landscape, biodiversity and native woodland/tree/hedge planting. The mitigation scheme shall include:
a) details of the planting of woodland/trees/hedgerows and the establishment of grassland (including a layout plan drawn to scale which can be enforced by a planning enforcement team);

- b) the location of planting and seeding;
 - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d) schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities;
 - e) measures for the management of the seeded and planted area for the lifetime of the development, with the objective of maintaining its effectiveness in mitigating against ammonia impacts of the poultry development. This shall include details of:
 - i) aims and objectives of management;
 - ii) preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually;
 - iii) personnel responsible for implementation of the plan;
 - iv) monitoring and remedial/contingency measures triggered by monitoring;
 - v) the financial and legal means through which the plan will be implemented.
- The agreed planting scheme shall be implemented in the first planting season and retained thereafter and any species that fail will be replaced with species of similar scale and variety.

Reason: To ensure an appropriate level of mitigation against the adverse impacts that the development would have on designated sites from ammonia emission/nitrogen deposition, and to seek a landscaping and biodiversity enhancement consistent with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12, Policy CS17 of the Shropshire Core Strategy and the policies of the National Planning Policy Framework.

7. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

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

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

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

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

9. All manure removed off site will be done so in sealed and contained trailers.

Reason: In consideration of surrounding amenity.

10. (a) The number of birds kept at the intensive poultry complex as a whole to which the approved development forms part of within the poultry enterprise shall not exceed 196,000 birds at any one time. (In accordance with detail as set out in the information submitted in support of the application).

(b) Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to local planning authority on request.

Reason: In consideration of the amenity and biodiversity of the surrounding area.

11. No feeding stuffs will be delivered to the site outside the hours of 8am - 6pm Monday - Saturday or at any times during a bank holiday.

Reason: In the interests of surrounding residential amenity.

12. All building development on site, (including all the feed silo's), are to be all externally coloured in accordance with the external colour of the existing poultry buildings adjacent to the site.

Reason: In consideration of the visual impact and to assist in mitigating the development into the surrounding landscape.

Informatives

1. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

2. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

3. This planning permission does not authorise the applicant to:
-construct any means of access over the publicly maintained highway (footway/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.

4. Where it is intended to create semi-natural habitats, all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

5. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

6. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

7. On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

8. The applicants are reminded of their obligations in relation to the HGV routing plan submitted in support of the application and agreed in principle with the Local Parish Council.



Committee and date
 Central Planning Committee
 10 May 2018

Item
8
 Public

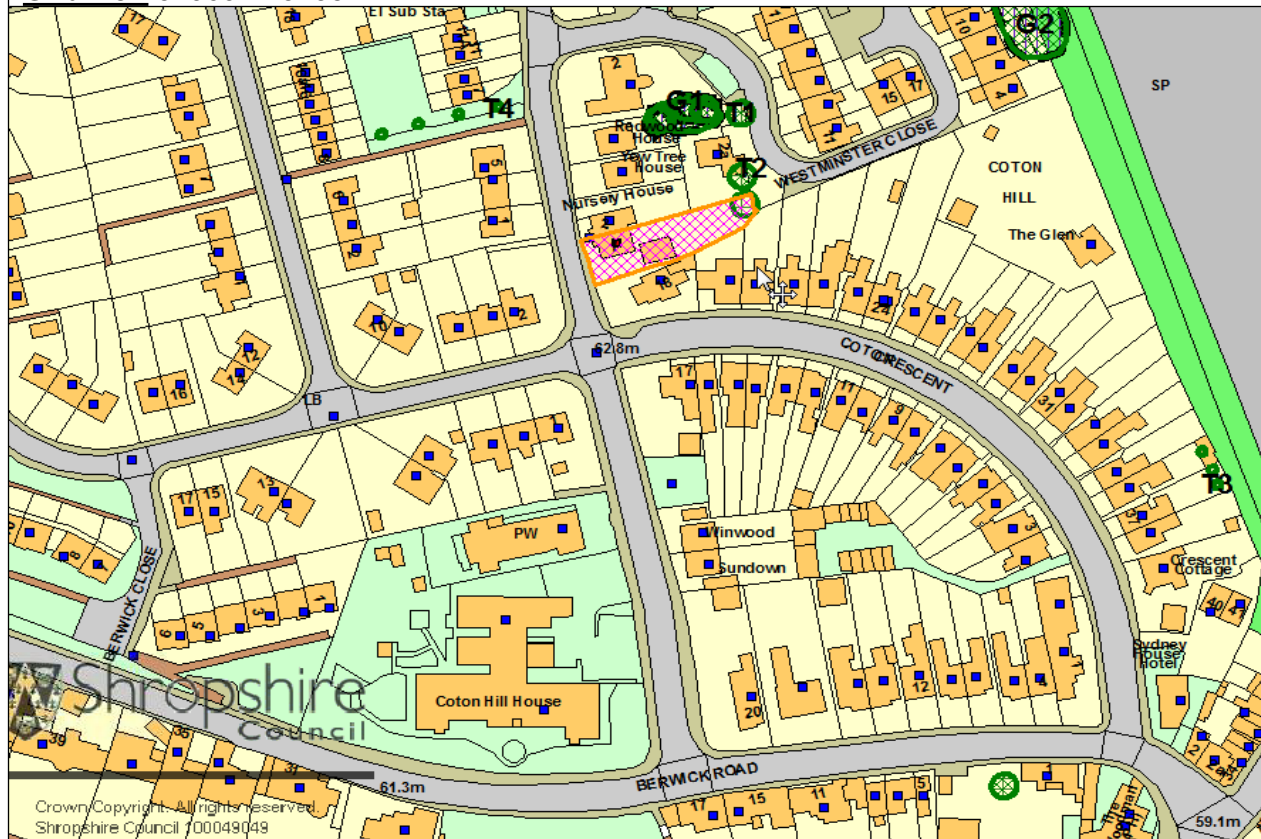
Development Management Report

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

Summary of Application

Application Number: 18/00969/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of single storey extension to rear of property including incorporation of some existing workshop area and new living space		
Site Address: 1 Nursery House Corporation Lane Shrewsbury SY1 2PA		
Applicant: Mr T Jenkins		
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk	

Grid Ref: 349091 - 313577



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

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of a single storey extension to the rear elevation including incorporation of some existing workshop area and new living space. The proposal will measure approximately 7.8 metres wide (combined maximum), 7.8 metres deep for workshop and 9.1 metres deep for the single storey extension with a ridge height from finished floor level of 3.6 metres (from ground level 4.5 metres).

1.2 Upon request from officers the applicant has provided a revised scheme that includes an asymmetric roof and also addresses officers concerns regarding the height of the eaves and the overall height of the proposal and the impact upon the street scene. This report is primarily written with regards to the revised drawings received on 12.04.18.

2.0 SITE LOCATION/DESCRIPTION

2.1 1 Nursery House is existing semi-detached property located within a modest curtilage within a residential street known as Corporation Lane, Shrewsbury. The site falls within the Shrewsbury conservation area.

2.2 The existing property appears to be mid/late C19 and originally formed one quite substantial dwelling, although is now subdivided into two dwellings, with No.1 forming the Southern half. It is constructed in brick with attractive moulded stone window/door heads. The building is considered to make some contribution to the character and appearance of the street scene and Shrewsbury conservation area.

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 applicant is a senior member of the Council and therefore the application must be determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS - full details of the responses can be viewed online

4.1 - Consultee Comments

Trees

No objection.

Archaeology (Historic Environment)

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

Conservation (Historic Environment)

No objection. Conditions recommended.

4.2 -Town Council

The Town Council raises no objections to this application.

4.3 - Public Comments

Six neighbours have been consulted. No public comments have been received at the time of writing this report.

5.0 THE MAIN ISSUES

Principle of Development

Design, Scale and Character

Impact on Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Within the development plan policy, there is a general presumption in favour of extensions to dwellings provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling or that the extension does not have any detrimental impact on residential amenities. The proposal is considered to comply with this presumption.

6.1.2 In addition in considering this application due regard has been made to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.

6.2 Design, Scale and Character

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

- 6.2.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
- 6.2.3 Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.
- 6.2.4 In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets.
- 6.2.5 Also, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.
- 6.2.6 Policy CS18 'Sustainable Water Management' requires all developments to integrate sustainable water management measures to reduce flood risk
- 6.2.7 The proposal has been assessed by the Councils Conservation Officer who has stated that as the extension is set back to the rear corner of the building, and given that the ground does fall away slightly, they wouldn't be hugely concerned with the scale / form of the proposal from a conservation perspective, and would likely consider the impact on the character and appearance of the street scene / conservation area to be minimal / neutral.
- 6.2.8 Conditions are recommended to ensure good quality finishing materials are utilised- i.e. plain clay tiles to match existing, with eaves detailing and overhangs also of an appropriate style to match existing- exposed rafter feet to eaves, slightly extended overhang to verges and brickwork is carefully considered to match the existing.
- 6.2.9 The proposal has been assessed by the Councils Trees Officer has been consulted. The applicant has indicated that there are trees and hedges on the proposed development site. However, confirmation has subsequently been received that no tree works will be involved in the current application. The Councils Trees Officer has therefore confirmed that they raise no objection to the proposal.
- 6.2.10 It is considered that the proposed scale, design and appearance of the proposal will respect the existing character of the dwelling and will not result in any visual impact in or on the locality.

- 6.2.11 The proposal will be built from materials which will be sympathetic to the existing character of the property, whilst it will be sustainably constructed meeting the current Building Regulation standards as a minimum. Materials will be conditioned as requested by the Councils Conservation Officer.
- 6.2.12 The proposal will not result in the significant loss of garden area and will provide an appropriate level of amenity space for the enlarged dwelling.
- 6.2.13 Officers consider that the proposal meets the relevant criteria within the NPPF, CS6, CS17, MD2, MD12 and MD13 and is therefore acceptable in principle.

6.3 Impact on Residential Amenity

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Having regard to the proposed orientation and distance away from neighbouring properties it is considered that the proposed windows will not result in any detrimental impact from overlooking or loss of light. It is felt that the proposed layout, design and scale of the proposal in relation to the boundary will also not result in any detrimental overbearing impact or result in any noise disturbance.

7.0 CONCLUSION

It is considered that the proposed scale, design and appearance of the proposal will respect the existing character of the dwelling and will not result in visual impact or cause any detrimental impact on neighbouring properties.

Officers recommend that planning permission is granted.

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:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

18/00969/FUL Erection of single storey extension to rear of property including incorporation of some existing workshop area and new living space PCO

SA/92/1087 Change of use to provide 3 additional bedrooms as annexe to the adjacent Stiperstones Guest House (for temporary period of 5 years). For Mr A MacCleod and Mrs V Coomby. PERCON 27th November 1992

SA/92/0423 Change of use to provide additional bedroom accommodation as annexe to adjacent guest house. For Mr A Maclead & Mrs V Coomby. REFUSE 27th May 1992

SA/78/0189 Erection of a private garage and workshop. PERCON 11th April 1978

Appeal

92/00797/REF Change of use to provide additional bedroom accommodation as annexe to adjacent guest house. For Mr A Maclead & Mrs V Coomby. DISMIS 15th September 1992

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 Nat Green
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.
3. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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 the 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 Conservation Area.

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

5. 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.

Informatives

1. Wild Birds

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive.

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of birds nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

2. Bats

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

3. Surface Water Drainage

The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

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

5. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.

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