



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

Date: Monday, 7 October 2019

Committee:
Northern Planning Committee

Date: Tuesday, 15 October 2019

Time: 2.00 pm

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

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

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

Members of the Committee

Roy Aldcroft
Nicholas Bardsley
Gerald Dakin
Pauline Dee
Nat Green
Vince Hunt (Vice Chairman)
Mark Jones
Pamela Moseley
Keith Roberts
Paul Wynn (Chairman)
David Vasmer

Substitute Members of the Committee

Joyce Barrow
Ted Clarke
Julian Dean
Steve Davenport
Hannah Fraser
Rob Gittins
Roger Hughes
Chris Mellings
Paul Milner
Peggy Mullock
Alexander Phillips

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes

To confirm the Minutes of the meeting of the North Planning Committee held on 17th September 2019, attached, marked 2. MINUTES TO FOLLOW

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Friday, 11th October 2019 at 2.00 p.m.

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 Pauls Moss Community Room, Pauls Moss, Whitchurch, Shropshire, SY13 1HH (19/03861/FUL) (Pages 1 - 54)

Re-development to include conversion of house to form cafe/community hub and flats; erection of 71 sheltered residential apartments; erection of health centre building; landscaping scheme including removal of trees; formation of car parking spaces and alterations to existing vehicular access

6 Land North East Of Kinton, Shrewsbury, Shropshire (18/00130/EIA) (Pages 55 - 86)

Erection of four poultry rearing buildings, nine feed bins, landscaping scheme and all associated works (amended description)

7 Proposed Residential Development Car Park And Premises, Old Coleham, Shrewsbury, Shropshire (19/02949/REM) (Pages 87 - 100)

Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant of 17/01697/OUT for the erection of a four storey development providing 43 apartments (some affordable); car parking provision

8 Land East Of Villa Farm, Wistanswick, Market Drayton, Shropshire (19/02855/REM) (Pages 101 - 110)

Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant of 14/04785/OUT - Erection of 1 detached local need dwelling including construction of new vehicle access

9 Proposed Dwelling To The North Of 65 White House Gardens, Shrewsbury, Shropshire (19/03506/OUT) (Pages 111 - 120)

Outline application (All Matters Reserved) for the erection of 1no dwelling

10 Former Ifton Heath Primary School, Overton Road, Ifton Heath, St Martins Shropshire (19/03373/VAR) (Pages 121 - 130)

Variation of Condition No.1 attached to permission 18/01959/VAR to allow for the family to remain on site for a further temporary period of up to nine months

11 Appeals and Appeal Decisions (Pages 131 - 140)

12 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday, 12th November 2019 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

North Planning Committee

15th October 2019

Item

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Public

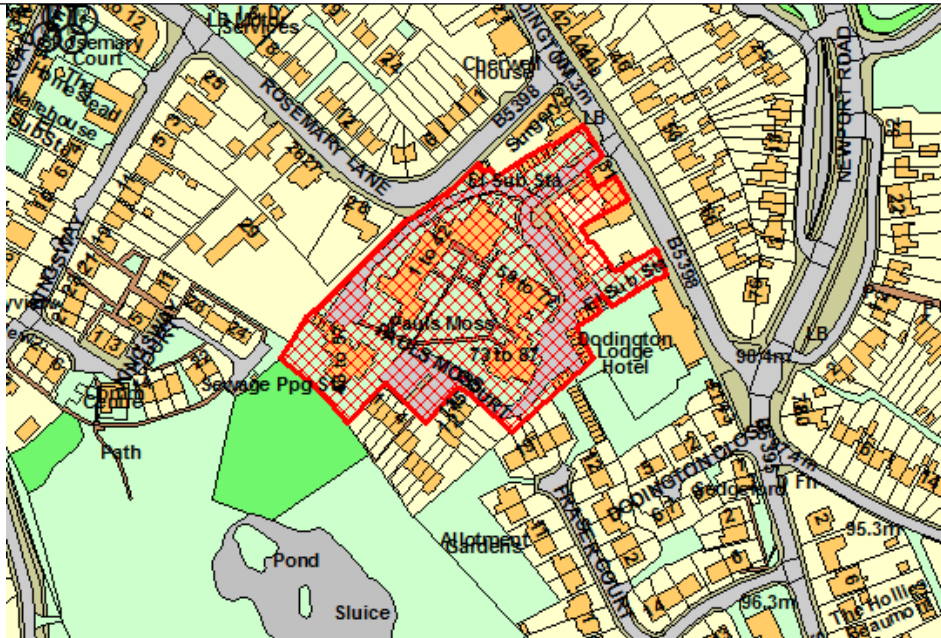
Development Management Report

Responsible Officer: Tim Rogers

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

<u>Application Number:</u> 19/03861/FUL	<u>Parish:</u>	Whitchurch Urban
<u>Proposal:</u> Re-development to include conversion of house to form cafe/community hub and flats; erection of 71 sheltered residential apartments; erection of health centre building; landscaping scheme including removal of trees; formation of car parking spaces and alterations to existing vehicular access		
<u>Site Address:</u> Pauls Moss Community Room Pauls Moss Whitchurch Shropshire SY13 1HH		
<u>Applicant:</u> Wrekin Housing Trust		
<u>Case Officer:</u> Philip Mullineux	<u>email:</u>	planning.northern@shropshire.gov.uk

Grid Ref: 354329 - 341094



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Recommendation: Delegate approval to the Planning Service Manager subject to the conditions as set out in appendix 1 attached to this report and any amendments as considered necessary to these conditions by the Planning Service Manager.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is made in 'Full' and proposes re-development of Pauls Moss, Dodington, Whitchurch, with retention of Pauls Moss House, demolition of existing sheltered housing accommodation and general needs flats and proposed new build Extra Care apartment scheme, health centre and conversion of Pauls Moss House to flats and a community hub. The proposal includes provision for the delivery of 71 units of supported housing for the over 55's and linked shared use space and 83 on site car parking spaces. (This revised application does not include provision for an on-site pharmacy and as a result there are two less car parking spaces proposed).
- 1.2 The application is accompanied by a set of proposed elevation and floor plans, existing elevation and floor plans, landscaping plan, block plan, site location plan, planning statement, design and access statement, tree survey, noise impact assessment, highway transport assessment and travel survey, Pauls Moss House impact assessment, visual impact assessment, flood risk assessment, ecological appraisal, design and access statement, desk based assessment, levels strategy, landscape strategy, drainage strategy, site photographs and 3 dimensional views plans.
- 1.3 The proposed development is not considered to meet any of the criteria of the schedules of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and as such an Environmental Statement in support of the application is not considered necessary.
- 1.4 The development as proposed was subject to pre-application advice dated 27th July 2018, (reference PREAPP/18/00245) the conclusion of which stated:

'The site for the proposed development is located in planning policy terms within a designated development area within a town, where the principle of re-development is considered acceptable subject to satisfactory consideration to issues as discussed in this letter.

Clearly 'Paul's Moss house' is considered a significant non-designated heritage asset and its retention on site is to be preferred. Any application which includes provision for demolition of Paul's Moss House will need to adequately demonstrate the overall benefits of its demolition and any replacement building will need to be of high quality in both design and construction. Has any consideration been given to retaining the Paul's Moss House on site and re-configuration its internal layout, as the dwelling is not presently a designated listed building and as such there is no overall protection in

relation to internal fittings? (The site visit though did reveal the entrance hall and stairwell to be construction of considerable interest and worthy of preservation.

Also of concern is provision of open space requirements and it is concluded that this area needs re-looking at in order to be in-line with relevant local plan policies on this matter.

Demolition and replacement of the remaining structures on site, (fairly recent in construction), is considered acceptable subject to any re-development being in keeping with the prevailing built theme and design of the surrounding area.

The principle in relation to the 'health business use on site as indicated appears acceptable in principle as any retailing appears to be in relation to the core principle of the development, i.e. dispensing chemist and hairdresser in relation to occupants of the proposed complex).

This advice is given in the context of your request and the information provided in support and has regard to the Council's planning policy. Should you wish to submit a planning application I would recommend that this advice is taken into account. However this advice is offered without prejudice to any future decision the Council may make following the formal consideration of a planning application'

The previous application for development on site, (Council reference 18/05901/FUL) was refused on 28th June 2019 for the following reasons:

- 1. The boundary of the Whitchurch Conservation Area was drawn to incorporate the Pauls Moss mansion when designated in 1987 and this building is considered specifically to make a positive contribution to the character and appearance of the conservation area by virtue of its design, detailing, historic character and visual significance within the site. The proposed demolition of the Pauls Moss house would cause total loss of a non-designated heritage asset and substantial harm to the significance of the Conservation Area which is a designated heritage asset. Whilst the community benefits of the scheme are acknowledged insufficient justification has been provided in order to justify the substantial harm to a designated heritage asset. Therefore the application does not comply with the National Planning Policy Framework and in particular paragraphs 192, 193, 194 and 195 and Policy CS6 of the Shropshire Core Strategy and Policies MD2 and MD13 of the SAMDev.*
- 2. The application proposes development of a scale and mass that is considered to represent over development of the site, incongruous to the built form and urban grain of the surrounding area, which will therefore have an overbearing detrimental impact on the character of the surrounding area. The design and external construction materials of the development are not considered to provide any enhancement to the surrounding Conservation Area. As such the development is considered contrary to Policies CS3 and CS6 of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev, the National Planning*

Policy Framework and Section 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to the Conservation Area.

3. *The application proposes insufficient open space and landscaping provision on a site considered overdevelopment. Further still it has not been adequately demonstrated that off-site provision and connectivity can be provided as indicated in information submitted in support of the application. The application is considered contrary to Policies CS6, CS9 and CS17 of the Shropshire Core Strategy, Policies MD2, MD8, MD12 and S18 of the SAMDev and the National Planning Policy Framework.*
4. *The application does not provide adequate mitigation/compensation for loss of trees on site, many of which are considered worthy of retention and contribute positively to the character of the location and the Conservation Area. The application is considered contrary to Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD12 of the SAMDev and the National Planning Policy Framework on this matter.*

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The site is located to the south of Whitchurch town centre and within the recognised development boundary of the town, in part of the designated Conservation Area. On site is a recognised non-designated heritage asset in the form of Pauls Moss Mansion House, this house is considered to make an important contribution to the designated Conservation Area,. Pauls Moss comprises a substantial late 19th century suburban mansion house which was previously set within landscaped grounds. It was built c.1891-5 for Edward Philips Thompson; a wealthy Liverpool banker who settled in Whitchurch and became both a significant figure in the community and a major benefactor to the town. It is situated behind frontage development with its primary elevations to the South and West. Consequently views to the house are more limited from Doddington but more significant when viewed from Rosemary Lane which runs parallel in part to the North boundary of the site, the larger scale of the original house in relation to other development means that it is legible and can be viewed within the townscape.
- 2.2 A conservation area is an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.(s69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers). The Conservation Area boundary appears to have been specifically drawn up to include the Pauls Moss House within it. (Historic England's advice).
- 2.3 The site is surrounded by existing housing much of it interwar, an allotment, community park, (Queens Park), and local public highways. The site has 3 main buildings on it at present situated with open grounds. The main building is Pauls Moss House, which as indicated above is considered a non-designated heritage asset. The other buildings which are of much later construction are effectively annexes to the Paul Moss house building.
- 2.4 Existing development is mainly of external brick construction and 3 storeys in height

albeit Pauls Moss itself sits higher in the townscape given its high internal ceilings and high pitched roof. The development site is also located to the rear, and within the setting of, two Grade II listed buildings which front onto Dodington: 29 Dodington and Dodington Lodge.

- 2.5 Detail as contained within the applicants Design and Access Statement indicates the scheme design proposes the retention of the existing late 19th Century red brick Paul's Moss House and the demolition of the adjacent 1980's three storey supported living apartments which are no longer considered fit for purpose. The Community Hub element of the scheme is located within the existing Pauls Moss house with adjacent new build Extra Care residential apartments to the west and south of the house and a new build Health Centre facing Pauls Moss eastern elevation. Collectively the proposal delivers a site responsive, design solution combining supported retirement living accommodation, community facilities and state-of-the-art medical centre.
- 2.6 The proposed building mass is a mix of two and three storey heights which alter across the site depending on the changing site levels whilst also considering distances between the retained Pauls Moss house and neighbouring properties.
- 2.7 The application proposes a Hub for community integration, learning and wellbeing. A 71 Unit Extra Care Housing scheme made up of one and two bedroomed contemporary, independent living apartments. A health centre made up of 21 consulting rooms. adjacent car parking and landscaped areas both public and private. The 71 self-contained Extra Care apartments (36 two bed units and 35 one bed units) are supported with private resident only communal areas, staff accommodation including housing management services and service areas including laundry, scooter charging area, public toilets and passenger lifts. The proposed hub with community meeting room, café and dining areas will encourage social interaction between Residents and the wider public who are encouraged to make full use of the facilities on offer.
- 2.8 The two storey health centre is located to the east of the site and incorporates 21 consulting rooms, waiting areas which benefit from natural daylight via central glazed rooflights as well as views out onto the adjacent central open public plaza via a fully glazed, double height waiting area. The glazed atrium space is located opposite the main entrance into the Pauls Moss house which provides clear views of the house from inside the Health Centre as well as creating an open vista of the Paul Moss house from outside the Health Centre as one moves around the site.
- 2.9 The health centre will offer a range of modern health services to the wider Whitchurch community within a centrally located purpose built medical centre. Car parking provision is 83 spaces in total with designated disabled person spaces, taxi-drop off areas and emergency vehicle spaces is provided in line with the local authority planning guidance, the planning application is also supported by a travel statement prepared by David Tucker Associates Transport Planning Consultants.
- 2.10 It is proposed to retain the exiting vehicular access point into the site with some minor improvements. The plans as submitted indicated a new vehicular access point adjacent

to Dodington Hotel. A third vehicular access point is proposed off Rosemary Way but for use by health care staff only.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.2 This application represents significant development in the Whitchurch Conservation Area and with consideration to the previous application for development on site the Chair and Vice Chair have requested Committee consideration of this application. The Planning Services Manager agrees and considers in this instance Committee consideration acceptable.

4.0 **Community Representations**

Consultee Comments

4.1 **Whitchurch Town Council (Supports)**, has responded to the application indicating:

Proposal to support the Pauls Moss Development 19/03861/FUL, stressing the importance of the new Medical Centre, with the following caveats, noting the following concerns of residents

- concerns over access to all residents during and after the build
- Flat roofs in a conservation area
- Traffic plans – the internal routing of the turning circle
- Over-development of housing and overlooking existing Pauls Moss Court residents
- Still awaiting the outcome of the impact assessment
- Concerns regarding the removal of heritage features of the existing building i.e. fire places and mahogany panelling

Whitchurch Town Council expressed concerns over the fact that this application is not a phased development.

4.2 **Historic England (raises concerns)**, have responded indicating:

Thank you for your letter of 16 September 2019 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

This application for extra care housing, a health centre and community use space incorporating Paul's Moss follows the refusal of a similar application (18/05901/FUL) which involved the demolition of Paul's Moss. The significance of Pauls Moss as a non-designated heritage asset and the positive contribution it makes to the Whitchurch Conservation Area is set out in the supporting information and in our letter regarding the

previous application dated 23 January 2019.

The current application retains the non-designated heritage asset, demolishes existing buildings that are negative elements in the conservation area and proposes a large new flat-roofed extension rising to four stories. It therefore represents a considerable change to the conservation area and should be assessed in terms of the policy set out in section 16 of the NPPF. This is clear that great weight should be given to the conservation of designated heritage assets (193) and that any harm or loss requires a clear and convincing justification (194), including public benefits where this harm is less than substantial (196). In considering new development in conservation areas the NPPF emphasizes the importance of enhancing or better revealing their significance (200) and considers that loss of a building that makes a positive contribution to significance should be treated as causing either substantial or less than substantial harm (201).

In this context Historic England welcomes the retention and reuse of Pauls Moss and the visual prominence given to it by insuring that new development sits below its eaves line. We remain concerned that the amount of new building proposed and its large areas of flat roof change the character of the conservation area and result in some harm. In making your assessment of the application in accordance with paragraph 196 of the NPPF we therefore urge you to consider whether this is justified by the public benefits offered as this is not an area of Historic England expertise.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

The advice to the previous application indicated:

The architect designed house built in 1895 for E.P. Thompson, a notable Whitchurch resident, is a non-designated heritage asset that makes a positive contribution to the significance of the Whitchurch Conservation Area. Paragraph 201 of the NPPF is clear that its loss should be treated as either substantial or less than substantial harm. Historic England considers that the proposed demolition and redevelopment results in substantial harm to this part of the conservation area and considerable harm to the conservation area as a whole. In its current form we are therefore unable to support the application and urge you to negotiate a scheme that allows the incorporation of the historic house into the overall development.

Historic England Advice

The site lies within the Whitchurch Conservation Area at its southern extremity and where its boundary appears to have been drawn to specifically include the house and former gardens of Paul's Moss. The key characteristics of the conservation area are those of a medieval town occupying a site of more ancient settlement and which developed during the following centuries into a thriving market town and administrative

centre in the North Shropshire Plain. The area of Dodington, though a separate manor until the later medieval period, was amalgamated into the town and now forms the southern gateway to the conservation area. It is characterised by good quality and elegant brick houses reflecting the prosperity and growth of Whitchurch in the eighteenth and early nineteenth centuries. The west side of the main road is developed to the back of footway but a mixture of single storey buildings and boundary walls create a low density character that is typical of its edge-of-town location and a spaciousness that enhances the more closed in streetscape beyond the junction with Rosemary Lane where historic buildings line the road on either side.

The Building Recording and Heritage Survey submitted with the application demonstrates that Paul's Moss was an 1895 redevelopment of a roadside property to create a large dwelling set within its own grounds and bounded by walls in the style of a mini estate. It was built for a Liverpool banker (E.P. Thompson) who became a major benefactor of the town, a JP in 1903 and who built other houses in Whitchurch for his staff. It was designed by Liverpool architects formerly articulated to architects of national renown: Alfred Waterhouse and Norman Shaw. The style of the building is typical of the time and, though changed by use as the offices for the Urban District Council and latterly as apartments, it retains much of its character both internally and externally. As such it has evidential, historical and aesthetic value that clearly establish it as a non-designated heritage asset.

The site contributes to the significance of the conservation area in terms of its evidential and historical value as an example of late nineteenth century edge-of-town residential redevelopment. It contributes to the associative historical value of the conservation area as the home of a major Whitchurch benefactor who brought money, ideas and investment in building to the town. It contributes to the aesthetic value of the conservation area as part of the lower density development on the edge of the historic centre being of materials and a style and quality of design that create an attractive streetscape. The location of the house away from, but clearly visible from the main road is characteristic of this. Though not widely seen the interior of the hall and main staircase contribute to the depth and richness of the aesthetic quality of the conservation area as part of its collection of historic buildings. The loss of the garden setting for the building through redevelopment has diminished but not negated its contribution to the significance of the conservation area. The same is true of the appearance of the blocks of flats which in themselves are negative features in the conservation area.

The proposal to demolish the historic house and the blocks of flats and to erect a single, large three storey building covering the majority of the site will have a considerable impact on the conservation area and involves the total loss of a non-designated heritage asset that makes a positive contribution to the conservation area's significance.

The NPPF is clear that great weight should be given to the conservation of designated heritage assets (193) and that any harm or loss requires a clear and convincing justification (194), including public benefits where this harm is less than substantial (196). In considering new development in conservation areas the NPPF emphasizes the importance of enhancing or better revealing their significance (200) and considers that loss of a building that makes a positive contribution to significance should be treated as

causing either substantial or less than substantial harm (201).

It appears to Historic England that the inclusion of the site in the conservation area is reliant on the survival of the house itself. Without the house the site makes a minimal contribution to the evidential and historical value of the conservation area and none its aesthetic value. We therefore conclude that the proposed demolition of the house will result in substantial harm to this part of the conservation area and considerable harm to the conservation area as a whole. In considering the other aspects of the application, while the existing twentieth century blocks of flats are negative elements in the conservation area, their proposed redevelopment does not outweigh the loss of the historic house. The scale and design of the proposed new building is in sharp contrast to the scale of development that characterises the conservation area and we do not consider that it either enhances or better reveals significance.

Historic England is not expert in assessing public benefit but in considering this application we are clear that there are no heritage benefits to off-set the considerable harm caused. The application does not appear to be supported by information demonstrating that retention of the historic house within the redevelopment is not viable. Given that the house has previously been in public use we query whether it could not be incorporated into the redevelopment and would urge you to explore this option with the applicant prior to determination.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193, 194, 196, 200 and 201 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

4.3 **SC Drainage Manager (no objections)**, has responded indicating:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.

All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

The proposed surface water drainage is acceptable

- 4.4 **SC Parks and Recreation Manager (no objections)**, has responded to the application indicating:

The resubmitted application shows the addition of public open space within the development and Officers are content with the proposals and have no further comments to make.

- 4.5 **SC Trees Manager (no objections)**, has responded indicating:

Having read the tree report and new landscaping scheme I raise no objections to this proposal. I support the planting of 53 new heavy standard trees in mitigation for some tree losses on site to facilitate the proposals.

- 4.6 **SC Conservation Manager (no objections)**, has responded indicating:

Pauls Moss comprises a substantial late 19th century suburban mansion house which was previously set within landscaped grounds. It was built c.1891-5 for Edward Philips Thompson; a wealthy Liverpool banker who settled in Whitchurch and became a both a significant figure in the community and a major benefactor to the town. The architects were the Liverpool based practice Willink and Thicknesse, who specialised in schools and office developments, including the Grade II listed Cunard Building in Liverpool. Thompson was presumably aware of their work through his links to the banking sector in the city, and Pauls Moss represents one of their few domestic commissions. The two-storey house with attics and basement is in a mixed revivalist architectural style and is of good quality red brick with red sandstone detailing beneath a hipped, dormered roof of slate with ceramic bonnet tiles and around a central light well. Internally, it has a late Victorian variation of the villa plan, arranged around a large and impressive double-height hallway which retains the original staircase, doors and door cases and deeply moulded and brightly coloured ceiling with ocular ceiling light. Original fixtures and fittings also survive well in the lounge, including the fireplace and joinery. However, many of the other rooms have been altered as a result of the later refurbishment of the building for institutional uses and following its acquisition by Whitchurch Urban Council in 1857. Although not a listed building, because of its date, architectural associations with Willink and Thicknesse, and its historic links with E. P. Thompson, it is considered to be non-designated heritage asset of at least county level importance.*

Pauls Moss and parts of its former grounds have been intentionally included within the Whitchurch Conservation Area, and its environs a defined as a specific character area in the Whitchurch Conservation Area Summary Character Appraisal. Although set back from the frontage, there are clear sight lines through to it from Doddington and, because of its imposing size and scale, it therefore retains a substantial presence in the streetscape. Likewise, important views of the building, set behind its boundary wall, are also gained from Rosemary Lane to the north. For these reasons the former mansion house is considered to make a significant, positive contribution to the character and appearance of the Conservation Area. However, the late 20th century extensions and surrounding former sheltered housing detract from it and are considered to make a negative contribution to it.

The proposed development site is also located to the rears, and within the settings of,

two Grade II listed buildings which front onto Dodington: 29 Dodington (NHLE ref. 1366534) and Dodington Lodge (NHLE ref. 1055974)

The proposed development site also falls within part of the area of the Roman cemetery (HER PRN 00910) to the south of the Roman town at Whitchurch. A number of Roman coins (HER PRN 00569) are also recorded to have been found on the proposed development site itself. The area of the site towards the street frontage also falls forms part of the tenement plots (HER PRN 05952) associated with the post-medieval suburb of Dodington. As a consequence, and despite the later 19th and 20th century development, the proposed development site is considered to have moderate archaeological potential for Roman and post medieval remains.

RECOMMENDATION:

The following advice is provided as a joint consultation response on behalf of the Historic Environment Team.

The proposed development represents a substantially revised and redesigned version of the scheme previously submitted under application reference 19/03861/FUL. The most significant change is that it is now proposed to retain Pauls Moss mansion house and to refurbish and provide a mixed use for the building, which includes a community room and café, as part of the development. The existing former residential blocks will be demolished and a new extra-care facility constructed. In addition, the development will also incorporate a new Health Centre. The site will be re-landscaped to provide both amenity space for the residents of the extra-care facility and a new public plaza between and adjacent to the Health Centre and mansion house.

With regards to Policy MD13 of the Local Plan and Paragraph 189 of the NPPF, the applicant has submitted an archaeological Desk Based Assessment and Visual Impact Assessment (retaining Pauls Moss), both by Clare Henshaw and Associates. Together with the heritage assessments submitted with the previous application, these describe significant of the heritage assets that will be affected by the proposed development and provide the Applicant's assessment of the impacts upon their significance.

In their consultation response of 18 September 2019, Historic England states that they welcome "...the retention and reuse of Pauls Moss and the visual prominence given to it by insuring that new development sits below its eaves line.". However, whilst they do not object to the proposed development, they do express concerns regarding the impact it will have on the character of the Conservation Area as a result of amount of new building that would be involved and the large area of flat roof.

When assessing the amended scheme, we have given due consideration to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the policies contained in Chapter 16 of the NPPF; Policies CS6, CS17, MD2 and MD13 of the Local Plan, and the guidance contained in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets).

Like Historic England, we greatly welcome the retention and re-use of Pauls Moss mansion. In our opinion the amended design of the proposed development will ensure this building retains its current scale and dominance within this part of Conservation Area, and within the views from Dodington and Rosemary Lane. We note in particular that the Medical Centre has been positioned to provide a separation from the mansion, whilst the two storey flat roofed design will ensure that it sits well below the eaves level of the mansion. At the same time, the contemporary architectural style of the medical centre will differentiate between the new build and the retained building, whilst the mixed palate of brickwork, glass, timber and render will create both interest and act to visually break up the form and scale of this part of the new building.

Likewise, on the north-west elevation, the use of the proposed flat roof design will ensure that building will again sit well below the eaves of the house throughout its length. Again the use of different brick types, balconies and glazing within the stair well, will act to visually break up the massing of the building.

The proposed new public plaza, if executed well, also has the potential to provide both a new setting for the retained mansion and a new area of public open space for the town as a whole. Together with the terraces on the south-west side of the mansion and the glazing on the western elevation of the Medical Centre, these elements of the proposed scheme should ensure that the retained mansion remains the focal point on the proposed developed site. With reference to Paragraph 200 of the Framework, they should also better reveal the significance of this part of the Conservation Area, and the positive contribution the mansion house makes to it, to both residents and visitors.

In terms of the amount and scale of new build that the proposed development would entail, it is acknowledged that it would create a very substantial new building in this part of the Conservation Area. However, we note that the three stories at the south-western end of the building is accommodated within the change in site levels. In combination with the use of the flat roofed design, and as observed above, this means that at no point does the roof level project above the eaves level of the retained mansion, ensuring that it remains subservient to it in terms of its height. Likewise, we accept that the use of mixed materials, together with architectural distinction that is created between Medical Centre and extra-care residential elements, will act to visually break up the massing of the building. At the same time, the scheme will remove the negative contribution that the existing residential blocks make to the character and appearance of this part of the Conservation Area, and replace them by comparison with a building with greater architectural merit.

Taking all of these points together, and on balance, we therefore disagree with Historic England that the proposed development will cause harm to the significance of the Conservation Area as a result of its impact of the new build elements upon its character and appearance. In other words we consider that the proposed development will cause no harm to the significance of the Conservation Area. With reference to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, we consider that the retention of the mansion house would mean that the scheme preserves the character and appearance of the Conservation Areas, whilst the overall design also offers some enhancement. For the same reason, and with reference to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, we likewise consider that proposed development will not affect the settings of any listed buildings.

In these respects, however, we note that it is proposed to replace the existing plain tiles on the roof of the retained mansion house and to replace the windows with double glazed uPVC units to a similar design. The existing plastic gutters and down pipes will be replaced with powder coated metal rainwater goods, and the decorative hoppers replaced to match where necessary. To maintain the contribution the buildings makes to the character and appearance of the Conservation Area, it is essential that the roof tiles represent a like-for like replacement and that the new windows are high quality uPVC sashes. Similarly, the replacement of the rainwater good should provide an enhancement provided that they are of a suitable colour and design. The existing lead hoppers should be retained if at all possible. Some details of the materials for the hard landscaping elements have yet to be provided. If planning permission is granted, appropriate conditions should therefore be included to ensure prior approval of these elements of the scheme at the appropriate point as the development progresses.

In terms of the fixtures and fittings within the interior of the mansion house, these are not subject to planning control because this is not a listed. It is noted that proposed development will entail the removal and alteration of some of the remaining historic fabric, through the removal of some walls, doors and doorways, timber panelling and a fireplace (the staircase and plaster ceiling mouldings within the entrance hall will remain). In terms of the status of the building as a non-designated heritage asset, and with reference to Policy MD13 of the Local Plan and Paragraph 197 of the NPPF, this will cause some harm to its significance, which we would assess to be at the level of less than substantial harm. However, it is understood that these alterations are necessary to facilitate the new uses of the building in a manner that is DDA compliant, whilst the asbestos that was fitted within some of the original doors in the later 20th means that they cannot be re-used. When undertaking the planning balance with respect to the harm to the significance of this heritage asset, it should also be acknowledged that the proposed development will provide the building with a viable use for the foreseeable future. Paragraph: 020 Reference ID: 18a-020-20190723 of the NPPG indicates that this can be considered as a public benefit that the proposed development will provide.

Finally, as indicated above, the proposed development site is considered to hold archaeological interest. In relation to Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is therefore advised that a phased programme of archaeological work is made a condition of any planning permission for the proposed development. This should comprise an initial archaeological field evaluation of the proposed development site and photographic survey of the retained mansion house, followed if necessary by further mitigation as appropriate. An appropriate pre-commencement condition is recommended below. If, however, a suitable Written Scheme of Investigation for this work is submitted by the Applicant before the application is determined we will be able to advise an amended.

Suggested Conditions:

Prior to Commencement - Archaeology

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 Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest.

Conditions that require approval during the construction of the development

Roofing materials

Prior to the above ground works commencing samples and/or details of the plain clay roof tiles to be used on the retained Pauls Moss mansion 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.

Shropshire Council

Prior to the above ground works details of the windows to be fitted in the retained Pauls Moss mansion 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

Rainwater goods

Prior to the above ground works samples and/or details of the metal rainwater goods to be used on the retained Pauls Moss mansion 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.

Hard landscaping

No above ground works shall be commenced until full details hard landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales.

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

4.7 SC Planning Ecology (no objections), have responded indicating:

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

Habitats Regulations Assessment

The site lies within the 3.8km recreation zone of influence of Brown Moss, i.e. the distance within which 75% of visitors to Brown Moss live. Damaging recreational impacts have been identified on Brown Moss which is a Special Area of Conservation

(SAC) and part of the Meres and Mosses Phase 1 Ramsar Site. Damage has particularly been related to dog walking and swimming of dogs in the pools on site. Residential applications within this zone of influence normally require a Habitats Regulations Assessment under the Conservation of Habitats and Species Regulations 2017.

Currently the site supports a total of 88 housing units (see submitted Travel Plan). These are split between 14 properties at Pauls Moss Court which will be retained. The remaining units are 29 retirement units and 45 general needs housing. These will all be demolished as part of the scheme (74 units).

The proposed development would consist of 71 sheltered residential apartments. In view of the similar number of dwellings proposed to the existing number, and their sheltered nature, it can be concluded that the number of visitors to Brown Moss from the development is unlikely to increase and hence there will be no likely significant effect on Brown Moss SAC/Ramsar/SSSI, alone or in-combination, as a result of this proposed development.

I have read the submitted Phase 1 Preliminary Ecological Appraisal (Stefan Bodnar, September 2019). I am happy with the level of survey work and recommend that the following conditions and informatives are included on the decision notice:

Bat and bird boxes condition

Prior to first occupation / use of the buildings, 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:

- A minimum of 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.*
- A minimum of 20 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species, including starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).*

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 175 of the NPPF.

Lighting Plan condition

No development shall take place, including demolition, ground works and vegetation clearance, until a lighting plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall:

- identify those areas/features on site that are particularly sensitive for bats,*

where lighting is likely to cause disturbance in or around their breeding sites (including bat boxes/bricks) and resting places or along important routes (e.g. site boundary routes) used to access key areas of their territory, for example for foraging; and

- *show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK

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

Bats informative

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 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.

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 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 trimmed 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 trimmed 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.

4.8 **SC Highways (no objections)**, have responded indicating:

The submission of this application follows the refusal of planning permission in respect of application reference 18/05901/FUL, although the reasons for refusal were planning based and not related to issues of highway safety, road capacity or parking provision.

The previous application included scheme included 74 extra care apartments, a pharmacy and large community hub. The current revised scheme now includes 71 extra care apartments, no pharmacy and smaller community hub. In terms of car parking provision, whilst the vehicular accesses and parking layout are as previously shown in connection with the application 18/05901/FUL, the parking level has reduced from 85 to 83 spaces.

LOCAL CONTEXT

The site is proposed to be served by three accesses, one from Rosemary Lane and the others from Dodington. Rosemary Lane is the B5476, a road of near 10m in width which accommodates two-way traffic and some on street parking near the site. On the section

approaching the junction with Dodington informal on street parking is available on both sides of the street allowing about 20 on street parking spaces near to the site. A site visit to the area identified 13 of these to be in use. Dodington is the B5398, it currently serves two-way traffic. The road length fronting the development site does have defined on street parking bays available on the development site side and some additional capacity for informal on street parking opposite. Capacity would appear to be around 16 spaces and site visit have identified around 8 of these to be in use.

At just 340m to the north of the site via Dodington and Bridgewater Street lies the community parking facility adjacent to Tesco and the Swimming Pool. This car park has a capacity in excess of 250 spaces and has a 3hr stay limit. A midweek site visit between 10.00am and 11.00am identified this car park to be half full and therefore well in excess of 100 spaces available for use. Pedestrian routes between the development site and this car park are good and the walk generally takes between 4 and 5 minutes. The 340m distance walk falls within the generally accepted 400m walking distance parameter for planning and evaluation purposes of development.

There are not considered to be any current adverse highway issues either in terms of highway safety or traffic capacity within the local highway network. It is considered that the local highway network can adequately cater for the traffic likely to be generated by the current proposal.

ON-SITE PARKING

Extra Care Facility

Extra Care apartments traditionally do not attract particularly high car ownership numbers and the provision of one parking space per three sheltered units is considered acceptable. Based upon this development, the Extra Care facility should provide in the order of 24 spaces. However for robustness and taking on board some local concern regarding these units, I consider the application of 1 space per 2 units to be more suitable and therefore the provision of 48 spaces is considered acceptable in this town centre location.

Medical Centre

Parking provision of 35 spaces are proposed for the medical centre of which include 11 staff spaces. Based upon 10 consulting rooms being in use at any one time, the Transport Assessment indicates a maximum parking demand of up to 36 spaces although generally the parking demand is suggested to be below this figure through most of the day. I have no reason to dispute these parking numbers or the rationale regarding consulting rooms being used. The reality is however that there may be periods where parking demand exceeds the site provision, which would lead to some on-street parking.

The allocated staff parking is accessed from Rosemary Lane where 11 spaces are proposed. 6 of the parking bays are in a tandem arrangement, which is only really suitable if the staff utilising these spaces leave work at the same time or a mass backing up exercise is required if someone needs to get out during the day. However, being reasonable, I am confident the use of these spaces can be carefully managed between

staff and if this area wasn't allocated for formal parking it would get parked in anyway and the same potential issue would result. It should be noted however that access would, on infrequent occasions, be required to the pumping station. In those instances this parking area would need to be managed to allow access to the pumping station. Again in those instances this would result in some car displacement and in all probability on street parking.

Using the Travel Survey data provided, an initial presumption can be made that 50 staff would require 40 spaces but just 18 of these are full time so it would be unreasonable to expect such a high level of staff parking. All the staff will not be on-site at any one time and 32 staff are part time. No specific information regarding working patterns has been submitted but it is appreciated that shift and working patterns are difficult to predict as things change and it would also be difficult to control over time. 25 spaces are provided for visitors and patients to the medical centre. The facility is proposing 21 consulting rooms and it is understood that all the rooms will not be in use at any one time.

Overall, it is considered that the parking for the medical centre should be considered holistically rather than by accounting for every possible staff and visitor scenario.

PARKING SUMMARY

It is considered that sufficient parking is proposed for the extra care units in that 48 spaces are provided and 38 would be required. This results in a potential net availability to the other operations on the site of 10 spaces. The medical facility holistically is assumed to require 51 spaces with 36 being provided; a deficit of 15 spaces which could be balanced by the 11 from the extra care element to an extent.

It is noted that some concern has been raised through the planning consultation regarding parking provision on the site but any parking overspill which may occur from the site could be sufficiently picked up by local on street parking provision and the use of the public car park off Bridgewater Street, which is within accepted walking distance of the facility and appears to have available capacity during a standard weekday.

Whilst Shropshire Council currently has no adopted parking standards the above assumptions on parking within the site could be considered to be based on first principles; moreover, consideration would have to be given to how any refusal recommendation based on parking provision could be justified. It is our view that an objection to this development on parking grounds is not justified.

However, notwithstanding the above, what is important is how the available on-site parking is properly managed. In order for the on-site parking provision to work efficiently and at its most effective, the careful marking up and allocation of bays including associated instructional and directional signage will be required on site. It is considered this could be dealt with by submission of specific detail and delivery under condition prior to commencement in use.

CYCLE PARKING

The site will cater for two differing businesses, with some staff on site 24 hours per day

in the Extra Care facility for example. The development as a whole is offering five cycle stands for the site, these can cater for 10 cycles. For the cycle parking the two businesses should be dealt with separately. Cycle parking facilities for the staff should reassure staff that their cycle is secure and protected from the weather.

The Medical Centre

There should be, as a minimum, a four-cycle secure sheltered facility provided. For visitors/users, who tend not to leave their cycles for long periods, as a minimum a further two non-sheltered but secure cycle stands for four cycles should be provided. These need to be located close to an access point into the main building and be in an overlooked and prominent position.

Extra Care Facility

This facility will be a 24 hour per day operation, to encourage the use of sustainable transport (cycling) it needs to provide similar to the above at a location prominent, overlooked and close to the main entrance of the Extra Care facility.

The provision of cycle parking facilities goes hand in hand with the sites travel plan and therefore I would be happy for specific details of the cycle parking to be included in an updated travel plan that can be suitably conditioned on any consent given.

TRAVEL PLAN

The purpose of a Travel Plan is to set out the intentions of the applicants in regard to users and staff of the development facilities and their use of sustainable transport through the life of the development.

The Travel Plan (TP), as currently submitted has move some way forward when compared to the TP submitted as part of the 2018 application. I am content therefore that it satisfactory should planning permission be granted. The purpose however of the TP is that it is an evolving document for the lifetime of the development.

SUMMARY

Overall whilst it is understood that there are some local concerns regarding this scheme, the highway authority acknowledge that the scheme has reduced to that previously promoted, particularly with the loss of the pharmacy facility. It is not considered that this development would give rise to any highway and pedestrian safety concerns.

It is acknowledged that car parking has been raised as a material consideration locally including the Town Council, specifically the level of parking provision on the site. The site however is located within the town centre, within reasonable walking distance of public car parks. The Travel Plan should seek to help in reducing car borne traffic to the site for both staff, visitors and patient.

Ultimately in terms of car parking provision, fundamentally the Council would have to demonstrate that the level of parking provision was so inadequate that it would result in 'severe impact' in the locality. I do not consider that this is the case and no information or evidence has been presented which suggests otherwise.

RECOMMENDED PLANNING CONDITIONS:

Access

Prior to the development hereby permitted being first brought into use or occupied, the staff car park access onto Rosemary Lane is delivered, constructed in full with visibility splays of 2.4m x 33m and is in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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

Car Parking

The development hereby permitted shall not be brought into use until a car parking management plan has been submitted to and approved in writing by the Local Planning Authority. Details within this plan will include allocation of spaces and strategy for the instructional and directional signage of the parking within the site and that available off site. The parking shall be delivered in accordance with this plan, also properly laid out, hard surfaced and drained prior to first occupation of the facility and then maintained as such for the lifetime of the development.

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

On-site Construction

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

- the parking of vehicles of site operatives and visitors*
- loading and unloading of plant and materials*
- storage of plant and materials used in constructing the development*
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate*
- wheel washing facilities*
- measures to control the emission of dust and dirt during construction*
- a scheme for recycling/disposing of waste resulting from demolition and construction works*
- a Construction Traffic Management Plan, including all HGV routing & unloading proposals;*
- an appropriate community liaison and communication strategy, to inform affected local residents and businesses, throughout the works.*

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

Travel Plan

The Travel Plan (TP) objectives shall be fully implemented in accordance with approved

details for the lifetime of the development. The TP shall thereafter be submitted to Shropshire Council upon request but no less than 2 years from the date that the development is first brought into use/occupied and every 2 years thereafter. Reason: To minimise the use of the private car and promote the use of sustainable modes of transport

Informative:

Works on, within or abutting the public highway (Includes all footways & verges)

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, or*
- undertake the placing of a skip, scaffolding, hording or fencing on or immediately adjacent to the highway, or*
- use the highway for any purpose associated with the construction of this development, such as unloading delivery vehicles, parking of plant or machinery or the storage of materials, etc.*

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.

It should also be noted that the Developer may be directed by Shropshire Council to carry out works, within the public highway, overnight or at weekends (outside of the scope of the planning consent) to ensure through traffic disruption and health & safety requirements are managed appropriately.

4.9 **SC Regulatory Services (no objections)**, has responded indicating:

Regulatory Services have reviewed the application and have the following comments:

The noise assessment provided indicates that internal noise levels will be exceeded in certain habitable rooms when windows are open for ventilation and hence an alternative form of ventilation needs to be provided in these rooms. Therefore I would recommend that a condition is applied requiring compliance with the noise mitigation measures detailed in the Noise Impact Assessment.

Due to the close proximity of existing residential properties the standard construction hours should be applied to the consent.

I would recommend that a condition is placed which ensures that all proposed dwellings with off road parking are provided with external charging points capable of charging electric vehicles. The reason for this is to ensure that the properties are fit for future demand.

Should it be considered appropriate to grant consent I recommend that the following condition is applied to the consent:

1. The approved scheme for the noise attenuation as detailed in the REC, Noise Assessment Report dated Aug 2019, ref: AC106392-1r1, shall be completed prior to the occupation of the site and thereafter retained..

Reason: To protect residential amenity, health and wellbeing.

2. Construction shall only take place between the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No construction activities shall occur on Sundays and public holidays.

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

3. No development shall take place until a suitable scheme for the provision of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the use commencing and shall thereafter be retained.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

4.10 **SC Affordable Housing (no objections)**, has responded indicating:

Shropshire has an ageing population and the projections show that this will continue to increase, therefore increasing the need for accommodation such as this which will provide 71 much needed affordable rented homes for residents over the age of 55 who have some care requirements. We have seen from recent completed developments of Extra Care facilities that the provision doesn't just meet a need but improves the health and well-being of the residents living in the apartments. The location of a new health facility on site adds to the benefits this scheme will bring.

4.11 **Public Comments**

At the time of writing this report fourteen letters of objections have been received from members of the public. Key planning issues raised can be summarised as follows:

- Overdevelopment of the site
- Impact on existing Pauls Moss Court residential area and loss of privacy and amenity.

- Vehicle movements during construction on site, as well as after development is completed.
- Concerns with regards to standard of information submitted in support of the application in relation to highway and on site transportation issues.
- Proposal may lead to the eventual closure of Whitchurch Community hospital.
- Concerns with regards to loss of historic features within the house as a result of development on site as well as concerns with regards to some of the external features of the existing dwelling. (Replacement UPVC windows).
- No public consultation by the applicants in relation to the proposed development.
- Concerns with regards to potential impacts on Pauls Moss Court Housing and lack of consultation with the occupiers of these dwellings.
- Health centre is the only good part of this development.
- Concerns with regards to information submitted in support of the application on highway and transportation issues and its consistency.

A letter of objection has been received from Whitchurch Allotment and Community Orchard Association which indicates:

Whitchurch Allotment and Community Orchard Association (WACOA) wish to object to the resubmission of the Pauls Moss development. WACOA have received substantial funding to put a community orchard onto Queensway Playing Fields and this is beginning to mature. The land the community orchard sits on is the driest on the site as the land is peat moss and has a high water table. This land is very sensitive to both changes in the immediate environment and changing weather and it is quick to become sodden during heavy rain.

WACOA fears that the overdevelopment of the site at Pauls Moss, and the subsequent loss of open space, mostly to be replaced with buildings, concrete or tarmac, will have an adverse affect on the land at Queensway Playing Fields. While a report on the drainage has been given, we remain in the belief that flash flooding and the increase of rainfall year on year, as is suspected due to climate change, will be too much for the sensitive ecosystem which lies below Pauls Moss and we will lose the trees in the Orchard. The proposed development is too dense, and in order to decrease the impact on neighbouring land it must leave more open space.

WACOA also fear that the increase of local people without gardens will provide an increased burden on the allotments. We get a lot of people going onto our waiting list from people who have moved into such accommodation and miss having a garden to tend. The gardens that Wrekin are providing will be maintained by contractors and mean the removal of some significant mature plants which are planted in a more cottage garden theme suitable for the conservation area. The new proposed gardens are north-facing meaning that they will be cold and damp and will not be pleasant to use. There has been a significant oversight in the

design, which will lose a stunning south facing aspect overlooking the lake and open space. The residents will only be over 55. They will require hobbies, which keep them active for many years, and gardening has been proven to help with mental health issues. We do not have anywhere near the availability for the provision of allotments to the number of people on our waiting list, which has topped 100 before we stopped promoting them. Our waiting list now stretches many years and therefore we cannot be seen as an extension of outdoor activity to the proposed development unless CIL money will provide us with another site.

The wildlife on Queensway Playing Fields has increased over the past 5 years due to the consultations with Shropshire Wildlife Trust, increased planting on the site and change to the mowing regime. We now have a significant hedgehog population, which is increasing. Hedgehogs are protected, in England, Scotland and Wales, under the Wildlife and Countryside Act 1981, Schedule 6. The hedgehogs frequently roam onto Pauls Moss and are often seen by residents. The overdevelopment of Pauls Moss will be hugely detrimental to most of the wildlife on Pauls Moss. The conservation of their environment here will not be possible and should be seen as a threat and limiting factor. The link to wildlife with Queensway Playing Fields and Pauls Moss will also be damaged by the loss of all but 1 mature tree on the site. This was used as a reason for refusal the first time it must still be the case as the development, except for the retention of Pauls Moss House, has barely changed. WACOA value our connection with the old Pauls Moss House and are pleased to see it's retention after a long battle and the law being upheld, however we will lose our view, and therefore our connection with the House, due to the huge new housing mass. This will affect our connection with our Conservation Area. Due to the lay of the land, Pauls Moss House is prominent in the view from the opposite side of the lake and the applicants have never captured this view. The loss of this view to a new development, which will add nothing to the character of the Conservation Area, will be significant.

There is still a huge deficit in the amount of open space required for the number of flats on the development site. We notice that there is still a path leading up to the site of Queensway Playing Fields, which comes to a dead stop. There is currently no suitable way to enter the park from here and no plans to create one, as this area is very wet

At the time of writing this report nine letters of support have been received in support of the application. Key issues raised indicate:

- A new medical centre is required in the town
- It will assist in retaining doctors and nurses.
- Proposal retains the Pauls Moss House.
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5.0 THE MAIN ISSUES

- Principle of development
- Historic environment and impact
- Siting, scale and design.
- Visual impact, landscaping and open space provision.

- Economic and social benefits
- Highway and transportation.

5.0 OFFICER APPRAISAL

5.1 Principle of development

- 5.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The development plan in Shropshire consists of the Core Strategy (adopted in February 2011), and the Site Allocations and Management of Development (SAMDev) Plan (adopted in December 2015). While planning applications are considered against the policies of the development plan as a whole, specifically relevant policies to this application are set out further below.
- 5.1.2 Core Strategy Policy CS6: Sustainable design and development principles states that to create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change. It further states that all development will protect, restore, conserve and enhance 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, having regard to national and local design guidance.
- 5.1.3 Policy MD2 of the SAMDev on Sustainable Design indicates for development proposals to be considered acceptable development must respond positively to local design aspirations and contribute to and respect local distinctive or valued character.
- 5.1.4 Policy MD13: The Historic Environment in the SAMDev states that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that where ever possible proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings and that ensuring that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect.
- 5.1.5 Paragraph 3.132 in support of Policy MD13 states Heritage assets are buildings, monuments, sites, places, areas or landscapes that merit consideration as part of the planning process. The term includes all designated and non-designated assets and makes reference to 'Conservation Areas' as a designated asset.
- 5.1.6 The National Planning Policy Framework, (NPPF) sets out the Governments planning policy, it was revised in February 2019 and is a significant material planning

consideration for decision takers. Paragraph 38 of the framework says that “Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.” The NPPF indicates a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan.

- 5.1.7 The NPPF states that achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are:

An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 5.1.8 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 5.1.9 The principle of this form development is considered acceptable within the town of Whitchurch. The key considerations in this case are whether the merits of the proposal in providing the new medical centre and extra care housing through both its use and the design of the replacement building along with the impacts on the non-designated asset structure outweigh any detrimental impacts in relation to the setting of the Conservation Area, and the contribution the site makes to the historic and architectural character and appearance of the Whitchurch Conservation Area. The key material considerations are considered further below.

5.2 Historic environment and impact

- 5.2.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining planning applications within Conservation Areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. There is a statutory presumption, and according to the Courts, a strong one, against the grant of planning permission in instances where a scheme cannot be demonstrated to either preserve or enhance the character or appearance of the Conservation Area, unless these very strong considerations are outweighed by other material planning considerations. Case law has established that an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. Harm to a Conservation Area must be given considerable importance and weight in that balance even if that harm is less than substantial.
- 5.2.2 **Section 16: Conserving and enhancing the historic environment in the National Planning Policy Framework**, (NPPF), indicates:
- ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’ (para 193).*
- 5.2.3 *‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.* (para 197)
- 5.2.4 *‘Local planning authorities should not permit the loss or harm of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred’.*(para 198)
- 5.2.5 *‘Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably’.* (para 200)
- 5.2.6 *‘Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other elements) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site*

should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole’.(para 201)

- 5.2.7 *‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies’ In this instance the heritage assets, (the Conservation Area and the non–designated Pauls Moss House)’.(para 202)*
- 5.2.8 Paragraph 189 of the NPPF indicates: *‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.* As indicated in this report the Conservation Area was drawn up to specifically include Pauls Moss House within its area.
- 5.2.9 Paragraph 190 indicates that, *‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’.* It is considered that this matter has been adequately considered by the Council’s conservation team as referred to in paragraph 4.6 of this report.
- 5.2.10 Paragraph 192 indicates: *‘In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness’.* This matter is further considered later in this report.

5.2.11 Paragraph 197 states: *‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.* (This matter is discussed in more detail later

in the report). Whilst the Paul's Moss House on site is considered a non-designated heritage asset, it is located within the Whitchurch Conservation Area, a designated heritage asset in its own right. The Council's Conservation Manager's response is clear in that the mansion house known as Pauls Moss House has been intentionally included within the Whitchurch Conservation Area and that this makes a substantial, positive contribution to its character and appearance.

- 5.2.12 The starting point for the Local Planning Authority's assessment of the impact on the Conservation Area is the positive legal duty imposed upon it by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. When determining planning applications within Conservation Area this requires that "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.". The fact that 'special attention' has to be paid to these considerations indicates that this issue should be assigned considerable weight in undertaking the planning balance.
- 5.2.13 The Council's Conservation response clearly states that the Conservation Area has been drawn up in this area in specific recognition of the Paul's Moss House and therefore this building is considered to make a significant and positive contribution to the Conservation Area (a designated heritage asset), The Conservation team manager's response considers the current application under consideration will ensure this building retains its current scale and dominance within this part of the Conservation Area, as well as within the views from Dodington and Rosemary Lane. Comment is made that the Medical Centre has been positioned to provide a separation from the mansion, whilst the two storey flat roofed design will ensure that it sits well below the eaves level of the mansion. The response also comments that the contemporary architectural style of the medical centre will differentiate between the new build and the retained building, whilst the mixed palette of brickwork, glass, timber and render will create both interest and act to visually break up the form and scale of this part of the new building. Comment is also made that the north-west elevation and its flat roof design will ensure that the new build sits well below the eaves of the mansion house throughout its length and that the massing of the new built is broken up as a result of a different palette of external construction materials. Comment is also made that the proposed new public plaza has the potential to provide both a new setting for the retained mansion as well as providing a new area of public open space on site, this along with the terraces on the south-western side of the mansion and the glazing on the western elevation of the medical centre should ensure, as long as the development is executed well, that the retained mansion remains the focal point and key development within the overall development proposed on site. On this basis the development as proposed in relation to Pauls Moss House and its status as a non-designated heritage asset, it is considered that the development complies with Paragraph 200 of the NPPF.
- 5.2.14 As the site is located within the Conservation Area, the Council's Conservation Manager has also commented in relation to the scale and mass of the proposed new build acknowledging that new build development as proposed is very substantial. However comment is made that the development of three levels of construction, storey wise, is accommodated within the change of ground levels on site and that this in combination with the proposed flat roof design and its overall height in relation to the mansion house

as commented on above will ensure that the development is subservient in terms of height to that of the mansion house, whilst the use of a variety of external construction materials will also help break up the massing of the proposed new build development. Whilst at the same time the scheme as proposed removes the negative contribution the existing on-site later residential development on makes towards the Conservation Area. As noted in the Conservation Manager's response to this application this part of the Whitchurch Conservation Area appears to have been drawn up to specifically include Pauls Moss House within its boundary. Taking all the points as raised by the Conservation Manager in response to the application, it is therefore considered the proposed development will cause no harm to the significance of the Conservation Area. With reference to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the retention of the mansion house would mean that the scheme preserves the character and appearance of the Conservation Area, whilst the overall design also offers some enhancement. For the same reason, and with reference to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed development will not affect the settings of any listed buildings.

- 5.2.15 It is acknowledged that Historic England in its response to the application has indicated that it considers the proposed development entails a considerable change to the Conservation Area and should be assessed in terms of the policy set out in Section 16 of the NPPF. As Historic England acknowledge in their response, it is clear that great weight should be given to the conservation of designated heritage assets (193) and that any harm or loss requires a clear and convincing justification (194), including public benefits where this harm is less than substantial (196). In considering new development in Conservation Areas the NPPF emphasizes the importance of enhancing or better revealing their significance (200) and considers that loss of a building that makes a positive contribution to significance should be treated as causing either substantial or less than substantial harm (201).
- 5.2.16 In this context Historic England has welcomed the retention and reuse of Pauls Moss House and the visual prominence given to it by insuring that new development sits below its eaves line. As such Officers consider the retention of the non-designated asset, (the mansion house), as proposed is welcomed and it is considered this will remain the dominant feature within the built environment and retain its significant presence within the Conservation Area to which it appears this part of the Whitchurch Conservation Area was drawn up to specifically include Pauls Moss House. Whilst the scale of the proposed new build is considered significant, it is considered to be broken up by means of a different palette of external construction materials, and in part taking advantage of the low ground levels will sit below the eaves height of the mansion house. Further still the existing residential development on site proposed for demolition, whilst acknowledging it is overall smaller in footprint and scale, is not considered to be of any significant contribution towards the surrounding Conservation Area to which it does not preserve or enhance. As such on balance, the concerns as raised by Historic England are not shared as overall it is considered that the proposed development will not cause harm to the significance of the Conservation Area as a result of the new build elements upon its character and appearance. As such it is considered that the proposed development will cause no harm to the significance of the Conservation Area. As commented upon by the Council's Conservation Manager, in reference to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the retention of the mansion house would mean that the scheme preserves the

character and appearance of the Conservation Area, whilst the overall design also offers some enhancement, when compared to what is presently on site. With reference to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed development will not affect the settings of any listed buildings. Even if the response of Historic England was accepted that there was some less than substantial harm to the Conservation Area, the overall public benefits this development as a whole will bring to Whitchurch are considerable and would weigh against any such harm (paragraph 196 of the NPPF).

5.2.17 It is noted that in response to the application, Whitchurch Town Council as well as members of the public have raised concerns with regard to loss of internal heritage fittings from within the Mansion House. In terms of the fixtures and fittings within the interior of the mansion house, as referred to by the SC Conservation Manager in response to the application, these fittings are not subject to planning control because the structure is not a listed building. It is noted that proposed development will entail the removal and alteration of some of the remaining historic fabric, through the removal of some walls, doors and doorways, timber panelling and a fireplace, however the main internal heritage feature is the hallway staircase and plaster ceiling mouldings, and it is understood these will remain along with as much wall panelling where possible in consideration of the proposed refurbishment of the Mansion House for its proposed new use.

5.2.18 In relation to historic environmental impact, taking account of the issues outlined above, the proposed development is considered acceptable and in accordance with Policies CS6, CS17 and MD13 of the local plan and paragraphs 193, 194, 196, 197, 200 and 201 of the NPPF as well as Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 with regard to special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

5.3 **Siting, scale and design.**

5.3.1 Policy CS6 of the Core Strategy is concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by SAMDev Policy MD2. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduced reliance on private motor traffic, be respectful of its physical, landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. Significantly, Policy MD2 allows for appropriate modern design and promotes *“embracing 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.”*

5.3.2 Paragraph 127 of the NPPF indicates that decisions should ensure that developments, *‘are sympathetic to local character and history, including the surrounding built environment and landscape setting and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Comment is also made*

that innovation and appropriate change should not be discouraged such as increased densities’.

- 5.3.3 While Pauls Moss House is considered an important historic and architectural feature within the site as discussed earlier in this report, it is also acknowledged that the free standing residential blocks built within the grounds of the house, are negative features, not of any architectural or historic significance and do not enhance the Conservation Area and therefore their removal is considered acceptable in principle.
- 5.3.4 It is considered the current application retains the Mansion House which is a non-designated heritage asset as the primary built form, whilst its setting is catered for with the creation of the open space/plaza alongside its southern side. This helps in making the Mansion House the primary feature within the built environment, thus respecting the key feature of this area of the Conservation Area. Whilst it is acknowledged that the new build is extensive in scale, it is subservient in height sitting below the eaves of Pauls Moss House and with its various palette of external construction materials, considered on balance acceptable in relation to scale and design taking into consideration the existing built form on site it is to replace which is considered to represent bland development that does not enhance or preserve the character of the Conservation Area.
- 5.3.5 As such the applicants’ comments in their Planning Statement indicating that the development is designed around the need to retain Pauls Moss House and to provide for high quality supported residential units and adequate parking within an open landscaped setting and that the new build development responds to the site’s opportunities and constraints in a positive way, whilst respecting the siting and mass of the existing Pauls Moss house, combining new and old building forms which will help facilitate all of the core project objectives, are accepted. The proposed building mass is a mix of two and three storey heights which alter across the site depending on the changing site levels whilst also considering distances between the retained Pauls Moss house and all neighbouring properties is understood and shared by officers. Detail as contained in the applicants Design and Access Statement indicates that the proposed building design and overall massing has been strongly influenced by the existing Pauls Moss house, adjacent residential properties along Dodington, Rosemary Lane and Pauls Moss Court. The proposed building heights, position of windows and balconies have been developed in order to prevent overlooking and over-bearance of the wider site context. The building form is predominantly three storeys in height with elements of two storeys such as the Health Centre broken down into plan shapes and built forms. The proposed building footprint is located in such a way as to have a reduced visual impact on the adjacent properties in particular to the Pauls Moss house which presides at 2.5 storeys in height. The retained Pauls Moss house forms the most dominant element of built form on the site with all new build elements being significantly lower in height than the original house itself. The design sits comfortably within the existing residential neighbourhood which is traditional brick dwellings with predominantly pitched tiled roofs. In order to reduce the overall mass of this mixed-use building a flat roof design approach has been proposed. The flat roof is edged in a combination of projecting aluminium stepped fascia system and pressed metal powder-coated copings. The height of the Extra Care scheme is lowered and stepped in the elevation closest to No. 1 Pauls Moss Court in order to connect with the two-storey height of the adjacent

traditional pitched roofed private dwellings.

- 5.3.6 Also of importance in relation to development as proposed is the use of appropriate external construction materials. It is noted that the SC Conservation Manager has commented on how it is necessary to show consideration to replacing the existing plain tiles on the roof of the retained mansion house and to replace the windows with double glazed uPVC units to a similar design. The existing plastic gutters and down pipes will be replaced with powder coated metal rainwater goods, and the decorative hoppers replaced to match where necessary. To maintain the contribution the building makes to the character and appearance of the Conservation Area, it is essential that the roof tiles represent a like-for like replacement and that the new windows are high quality uPVC sashes. Similarly, the replacement of the rainwater goods should provide an enhancement provided that they are of a suitable colour and design. The existing lead hoppers should be retained if at all possible. Also of importance is the external construction of the new build on site. It is recommended that conditions are attached to any approval notice issued to cover this aspect as recommended in appendix one attached to this report.
- 5.3.7 In terms of siting, scale and design, the development is of significant scale, but with consideration to the existing on site structures proposed for removal and with consideration to the material considerations discussed in this report it is considered to be in accordance with Policies CS6 and MD2 of the local plan as well as the NPPF.



5.4 **Visual impact, landscaping and open space provision**

- 5.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy encourages development that improves the sustainability of communities whilst requiring development to protect and conserve the natural, built and historic 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, and the achievement of local standards for the provision and quality of open space and ensure sustainable design and construction principles are incorporated within the new development.
- 5.4.2 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.

- 5.4.3 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. In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets.
- 5.4.4 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.
- 5.4.5 The applicant's Planning Statement indicates a key connecting feature between the Extra Care and the new Health Centre is the circular Hub and central public plaza which will bring people together and will become the focal point of the scheme. The area is accessible for all key user groups and offers the opportunity for the Café to spill out into a south facing terrace for users to enjoy. The proposal includes a paved public plaza space directly outside the main house which runs between Pauls Moss and the proposed health centre. This outdoor, public amenity space will be a mix of paved hard surfacing including Breendon gravel, soft landscaping, feature trees and boxed hedging and street furniture.
- 5.4.6 The applicants have submitted a visual impact assessment and this concludes that the scheme will have only negligible or slight effects on visual setting, consideration has been given to the surrounding Conservation Area, setting of Paul's Moss House and the setting of listed buildings located outside of the application site. The changes to setting that the construction of the proposed buildings (whilst acknowledging they are larger in scale than those to be replaced), in relation to the historic landscape are also considered slight.
- 5.4.7
- The applicants planning statement indicates that the proposal is of much better quality than the existing provision on site and compared to the previous application for development on site subsequently refused in that this proposal includes provision for Open space and landscaping proposals to meet the needs of the residents and visitors
 - The council have established precedent for high quality open space provision at a lesser size than they consider policy requires when such space is designed and intended to be used by older people.
- 5.4.8 Whilst it is acknowledged that this application does not provide for the standard required open space in relation to bedroom ratio in respect of standard residential development, it is acknowledged that this application is for bedroom development for persons mostly in extra care needs, who in the vast majority of cases would not require private open

space and that managed communal open space would be a much better provision. It is considered that the proposed open space on the site will contribute towards attracting and inviting people from the wider community to engage with each other providing opportunities to develop new relationships across all age ranges and backgrounds.

- 5.4.9 The Council's Parks and Open Space Manager appreciates this and in response to the application has indicated that the resubmitted application shows the addition of public open space within the development and that Officers are content with the proposals and have no further comments to make. On balance it is considered open space provision issues as indicated in the previous refusal for development on site are now acceptable.
- 5.4.10 A tree survey and tree protection plan accompany the application and this indicates that In compensation for the loss of any trees and hedgerows on site as a result of the development that at least an equal number of new trees and length of native hedgerow will need to be planted. The trees will be species of both native and non-native origin, that have wildlife benefits and are sympathetic both to the existing tree structure and suitable for their likely eventual size limitation. All trees will be planted as 9-10cm Light Standards. All appropriate British Standards will be applied in terms of planting specifications. The location of the replacement trees should be determined in a detailed landscape design plan including location and species.
- 5.4.11 Whilst it is disappointing that some existing vegetation will be lost as a result of the proposed development, not all vegetation on site is considered to be of a high value. (A lime tree to the south of the site is one of the most important trees that unfortunately will be lost as a result of the proposed development.). However it is noted that the Council's Tree Manager has responded to the application indicating that *having read the tree report and new landscaping scheme I raise no objections to this proposal. I support the planting of 53 new heavy standard trees in mitigation for some tree losses on site to facilitate the proposals.* Therefore, on balance, notwithstanding the loss of some existing vegetation the trees element of the scheme is considered to be acceptable.
- 5.4.12 It is accepted that future residents of the development on site are not likely to require significant provision of private gardens/open space and therefore it could be argued that space provision in accordance with policy guidance in this instance is not strictly essential. However in order to ensure the development is executed to a high standard with consideration to the Pauls Moss House and the open space plaza area in front of the Mansion House as proposed, as well as the other pockets of open space, and the overall contribution towards the Conservation Area, it is recommended that conditions are attached to any approval notice issued, in order to ensure adequate consideration to this matter. With consideration to the issues as discussed it is considered the concerns on this matter as outlined in the previous refusal for the site are addressed to an acceptable standard.
- 5.4.13 Given the above in relation to landscape and overall visual impact, on balance and overall in consideration of the circumstances it is considered by Officers, that the development is broadly in accordance with Policies CS6, CS17, MD2 and MD12 of the local plan as well as the NPPF in relation to landscaping and visual impacts.

5.5 Economic and social benefits

- 5.5.1 Paragraph 80 of the NPPF indicates that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It also requires that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.5.2 Paragraph 82 of the NPPF indicates that planning policies and decisions should recognise and address the specific locational requirements of different sectors.
- 5.5.3 Policy CS3 refers to development in market towns and key centres, which will maintain and enhance their roles in providing facilities and services to their rural hinterlands and providing foci for economic development and regeneration, on an appropriately located mostly brownfield site.
- 5.5.4 Policy CS13 of the Shropshire Core Strategy indicates support for Shropshire's Market Towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands in accordance with Policy CS3, which indicates balanced housing and employment development of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure. Policy CS11: Types and affordability of Housing seeks to create mixed, balanced and inclusive communities which includes supporting the provision of housing for vulnerable people and specialist housing provision such as extra care facilities.
- 5.5.5 Policy CS15 indicates that recognised town and key centres will be the locations for new retail, office and other town centre uses. As such the location for development in principle is considered acceptable.
- 5.5.6 The application proposes a significant quantum of development which in principle is recognised and supported having regard to the policies outlined above. It is acknowledged that there has been significant housing growth in Whitchurch and this will have had an effect on the health services within the town. The Pauls Moss development is designed to accommodate this growth in population.
- 5.5.7 The development as proposed will deliver a significant number of benefits to the community. The generic benefits include:
- Improved GP services
 - Improved health services
 - Provision of age specific housing for older people
 - Provision of affordable housing
 - Inward investment
 - Job creation
 - Economic impact

5.58 With regards to job creation, some of these will be short term through the development and construction phases and some will be permanent within the completed building. In addition to these jobs, there are existing jobs that will be protected and the local supply chain will benefit in terms of servicing the development once it is operational. It is estimated that the equivalent of up to 30 further part time jobs could be created within the wider economy.

The project will also deliver a wide range of intangible benefits such as:

- Wider range of accommodation choices for older people
- Improved access to primary care and new models of care
- Increased capacity for clinical services out of hospital
- Extended hours for GP access
- Greater GP training capacity
- Modern healthcare environment that meets current NHS standards
- Delivery of Shropshire Care Closer to Home strategy
- Increased levels of wellbeing
- Better community cohesion
- Increased social interaction
- Reduced isolation for elderly residents
- Better mental health outcomes
- Development of social prescribing
- Volunteering opportunities
- Better community outcomes from joined up approach to delivery of services
- Fully accessible buildings

5.5.9 The Historic England in response to the application indicated concerns regarding the application on heritage grounds in respect of the amount of new building proposed and its large areas of flat roof which they consider will change the character of the Conservation Area and result in some harm, and therefore they consider that an assessment has to be made of the application in accordance with paragraph 196 of the NPPF in relation to the public benefits offered. They do not suggest that the harm they have identified amounts to substantial harm.

5.5.10 The application proposes the retention of Pauls Moss House and it is noted that Historic England in response to the previous application subsequently refused stated that '*It appears to Historic England that the inclusion of the site in the conservation area is reliant on the survival of the house itself. Without the house the site makes a minimal contribution to the evidential and historical value of the conservation area and none its aesthetic value.*'

5.5.11 The SC Conservation Team disagree with Historic England that the proposed development will cause harm to the significance of the Conservation Area as a result of its impact of the new build elements upon its character and appearance. They consider

that the proposed development will cause no harm to the significance of the Conservation Area. With reference to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, they consider that the retention of the mansion house would mean that the scheme preserves the character and appearance of the Conservation Area, whilst the overall design also offers some enhancement. For the same reason, and with reference to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, they likewise consider that proposed development will not affect the settings of any listed buildings.

- 5.5.12 The Case Officer having reviewed both responses and noting Historic England do not object outright to the application, share's the view as set out by the SC Conservation Manager. As such the criteria of paragraph 195 of the NPPF are not engaged, as it is considered that the development will not lead to substantial harm to the Conservation Area and its historic setting. Furthermore paragraph 196 is not engaged as it not accepted that any harm will be caused to the the significance of the heritage asset. Notwithstanding that view the development will provide benefits to the surrounding community whilst offering a re-use of the mansion house and as such if there is less than substantial harm, the development is in accordance with paragraph 196 of the NPPF.
- 5.5.13 It is acknowledged that improved health care provision and facilities are an identified local infrastructure requirement and the situation with regard to current health care provision within Whitchurch is noted and this would accord with relevant development plan policies. As such it is considered that this application in relation to impacts and the economic and social benefits is acceptable and in accordance with the NPPF.
- 5.6 **Public highway access and on-site transportation issues.**
- 5.6.1 The applicants have submitted a Highways Transport Assessment and Highways Travel Plan. The SC Highways Manager raises no significant concerns in relation to the proposal indicating whilst it is acknowledged that there are some local concerns regarding the scheme, the highway authority appreciate that the scheme has reduced to that previously promoted, particularly with the removal of of the pharmacy facility. It is not considered that this development would give rise to any highway and pedestrian safety concerns.
- 5.6.2 It is acknowledged that car parking has been raised as a material consideration locally including from the Town Council, specifically the level of parking provision on the site. However the site is located within the town centre, within reasonable walking distance of public car parks. The Travel Plan should seek to help in reducing car borne traffic to the site for both staff, visitors and patient.
- 5.6.3 Ultimately in terms of car parking provision, the SC Highways Manager indicates that fundamentally the Council would have to demonstrate that the level of parking provision was so inadequate that it would result in 'severe impact' in the locality. He does not consider that this is the case and no information or evidence has been presented which suggests otherwise. Consideration has also been given to emergency and service vehicles and servicing the site.

5.6.4 Whilst concerns as raised by members of the public and Whitchurch Town Council with regards to on site traffic movements and impacts in relation to car parking for residents of Pauls Moss Court are acknowledged, it is considered that with appropriate conditions attached to any approval notice issued with regard to a travel plan, on site construction and parking and with consideration to the fact that this site is near to the town centre, that on balance highway and parking arrangements are considered satisfactory and in accordance with local plan policies and the NPPF.

5.7 Other matters.

Drainage.

5.7.1 A drainage strategy and flood risk assessment accompanies the application and conclusions indicate that in accordance with the Environment Agency Flood Maps the site is outside of a recognised floodplains and therefore within Flood Zone 1. The proposed Extra Care facility, GP Surgery and Community Hub re-development have finish floor levels set 150mm above the proposed surrounding ground levels to mitigate against any possible groundwater flooding and pluvial flooding. Dry access and egress is available to and from the building always via the proposed access onto Dodington adjacent to the north eastern boundary of the site. In terms of the risk of flooding from pluvial sources (surface water runoff), a surface water drainage strategy has been prepared. The strategy proposes to discharge surface water to ground via infiltration tanks with an emergency overflow controlled to 50% of the existing peak discharge rate for the 1% AEP into the existing off-site surface water sewers in case of future failure of the infiltration system. Providing the mitigation measures or similar measures are implemented it is considered that the risk of flooding to the site and adjacent land will be minimal.

5.7.2 SC Drainage response raises no objections indicating that the proposed surface water drainage is acceptable. It is recommended that any approval notice issued has a condition attached in order to ensure adequate sustainable surface and foul water drainage is installed on site. The site is located above Queens Park alongside a sensitive part of the park that appears to be wetland species rich and therefore potentially sensitive in nature. This and drainage issues are a matter of concern raised by Whitchurch Allotment and Community Orchard Association. With this condition attached to any approval notice, on balance the proposed development is considered acceptable and in accordance with local plan policies on drainage matters.

Ecology

5.7.3 The applicants have submitted a Phase 1 Preliminary Ecological Appraisal (Stefan Bodnar, September 2017). The Council's Planning Ecologist has responded indicating the level of survey work including reference to bats is satisfactory, recommending conditions and informatives' are attached to any approval notice. The comments made by Whitchurch Allotment and Community Orchard Association as outlined in paragraph 4.14 above are noted, however these ecological issues are not considered to be of a concern. As such ecological matters with conditions attached as recommended is

considered acceptable.

Residential amenity

- 5.7.4 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. The applicants have submitted a noise assessment and impact assessment in relation to the dwellings known as Pauls Moss Court located on the southern side of the application site.
- 5.7.5 The assessment concludes that there will be no significant impacts in relation to the residential amenity of the occupants of Pauls Moss Court.
- 5.7.6 Officer have considered residential amenity and privacy in relation to all surrounding dwellings to the application site, and have concluded that impacts on occupiers of these dwellings is acceptable. It is appreciated that the occupiers of Pauls Moss Court have raised concerns in relation to development on site and its scale and mass. It has been acknowledged that development on site will be of a larger scale than that as presently on site, and as such it is appreciated that residents could have some concerns with regards to development as proposed. However development will be broadly in-line with respect of existing development on site and overall will not encroach significantly nearer to the dwellings at Pauls Moss Court. Planning does not allow for a right to a view.
- 5.7.7 However, it is acknowledged that development on site is significant and includes considerable demolition works. As such it is considered appropriate to attach conditions to any approval notice issued with regards to working hours, dust and construction management and noise attenuation. A condition in relation to noise mitigation, is required in consideration of the amenity of the occupants of the proposed residential development, based on the recommendations of the noise report provided with the application. This report indicated that existing noise levels from road traffic would result in the internal noise levels, in some of the habitable rooms, exceeding recommended levels with the windows open for ventilation, acceptable noise levels can be achieved with standard double glazing but an alternative form of ventilation capable of replacing the need to open windows would be required based on the information provided as referred to. The proposed mitigation is clearly referred to in the conclusions of the applicants noise report and Chapter 5 of the report provides detail regarding which properties will require mitigation.
- 5.7.8 Concerns have been raised by members of the public with regards to lack of consultation in relation to this application. Whilst it is acknowledged that the NPPF encourages public consultation prior to submission of a formal planning application, this is not a statutory requirement. It is understood the applicants did consult with the community with regards to the principle of development on site in relation to the previous application for development on site subsequently refused.
- 5.8 **THE PLANNING BALANCE.**
- 5.8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where

regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The starting point must be the Development Plan and then other material considerations must be considered and weighed up against the requirement also to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation as required by s72 of the planning (Listed Buildings and Conservation Areas) Act 1990.

- 5.8.2 Having carefully considered the proposal against adopted planning policy and guidance, it is considered that the proposal on balance, (with consideration to the public benefits this scheme will offer to the wider community), complies with relevant policies of the local plan and the NPPF. It is not considered in this case that the tests in paragraph 195 of the NPPF are engaged as the proposal overall will not lead to substantial harm lead to the surrounding historic environment. It is not considered that any harm will occur to the designated historic asset but it will in any event provide wider public benefits. The Pauls Moss mansion does not appear to have had any significant use during latter years, and it is considered that this proposal will ensure a viable use as part of the overall development for the site. Development which will replace existing poorly designed structures which do not preserve or enhance the surrounding Conservation Area. Whilst it is acknowledged that the replacement new build is of larger scale, it has been considered in relation to the setting of the mansion house which will remain the dominant feature. Landscaping and open space provision whilst minimal in area, as long as this is executed to a high standard is on balance considered acceptable. As such it is essential that sufficient consideration is given to detail, (external construction materials), and this can be ensured by the attaching to any approval notice issued suitably worded conditions.
- 5.8.3 The NPPF is intended to deliver sustainable development, there is a presumption in favour of this and it identifies three mutually dependent dimensions which should be sought jointly and simultaneously through the planning system, namely: an economic role; a social role; and an environmental role. Officers consider there will clearly be economic and social benefits arising from the development, mainly attributable to the provision of improved health facilities for the town of Whitchurch and its hinterland as well as an Extra Care facilities that will consist of 71 apartments, with a mixture of one and two bedrooms and the community hub. These are significant material considerations on which basis to determine the application.
- 5.8.4 Provision of improved health care in Whitchurch is to be welcomed and it is noted that this aspect is generally supported in consideration of responses received in relation to the application. Health care provision within Whitchurch appears to be fragmented and whilst it is acknowledged that it could be debated whether providing GP services in one location is more sustainable or not, there is no doubt the facilities as proposed will be an overall improvement on the existing facilities provided within the town.
- 5.8.5 The economic and social contributions are recognised and with consideration to the retention of the Pauls Moss House and its re-use and its dominance in relation to the proposed new build, (height), and improved landscaping this revised application as proposed tips the balance of the environmental considerations to a positive conclusion and as the NPPF makes clear in Section 2 on achieving sustainable development, these

overarching objectives are interdependent and need to be pursued in mutually supportive ways.

6.0 CONCLUSIONS

- 6.1 Taking into consideration the significant material considerations as discussed in this report, the merits of the proposal are considered acceptable with no adverse impacts overall in relation to the surrounding Conservation Area and its historic features including reference to the non-designated heritage asset, (the mansion house), as well as the listed buildings in the surrounding area.
- 6.2 On balance with consideration to all the material considerations it is considered that this application is in accordance with local plan policies CS3, CS6, CS9 and CS17 of the Shropshire Core Strategy, policies MD1, MD2, MD8, MD12, MD13 and S18 of the SAMDev as well as the NPPF and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.2 As such the recommendation is approval delegated to the Service Manager, subject to the conditions as outlined in appendix one attached to this report with any modifications to these conditions as considered necessary by the Planning Service Manager.

9.0 Risk Assessment and Opportunities Appraisal

9.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS15 - Town and Rural Centres
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD4 - Managing Employment Development
 MD8 - Infrastructure Provision
 MD12 - Natural Environment
 MD13 - Historic Environment
 Settlement: S18 - Whitchurch
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

PREAPP/18/00245 Demolition of existing sheltered housing accommodation and general needs flat and erection of retirement living scheme, health centre, pharmacy and community hub PREAMD 27th July 2018

18/05901/FUL Proposed re-development to include the demolition of Pauls Moss and associated supported living accommodation; erection of one building comprising 74 supported residential units; health centre, pharmacy, central hub space of cafe and community rooms; 85 car parking spaces, alterations to existing vehicular access, creation of two new vehicular accesses (Rosemary Lane and Dodington); landscaping scheme including removal of trees; link to adjacent public open space REFUSE 28th June 2019

PREAPP/19/00238 Pre-application advice for the re-development of Pauls Moss PREAIP 1st August 2019

19/03861/FUL Re-development to include conversion of house to form cafe/community hub and flats; erection of 71 sheltered residential apartments; erection of health centre building; landscaping scheme including removal of trees; formation of car parking spaces and alterations to existing vehicular access PDE

11. Additional Information

[View details online:](#)

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

Local Member

Cllr Gerald Dakin

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 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 Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest.

4. No development shall take place, including demolition, ground works and vegetation clearance, until a lighting plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall:

- o identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites (including bat boxes/bricks) and resting places or along important routes (e.g. site boundary routes) used to access key areas of their territory, for example for foraging; and
- o show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK

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

5. Prior to any development on site details will be submitted to the local planning authority and approved in writing with regards to sustainable foul and surface water drainage. Development will be carried out as approved prior to any occupation of the site.

Reason: In order to ensure the site is served by a satisfactory means of drainage in relation to the surrounding area.

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

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works
- o a Construction Traffic Management Plan, including all HGV routing & unloading proposals;
- o an appropriate community liaison and communication strategy, to inform affected local residents and businesses, throughout the works.

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

7. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

8. Prior to construction and/or demolition activities occurring on site a dust management statement detailing how the developer will reduce dust from spreading off the site shall be submitted to the local planning authority for approval in writing. Any methods contained within any approved statement shall be implemented on site.

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

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

9. Prior to any above grounds works a suitable scheme for the provision of electric vehicle charging points will be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the use commencing and shall thereafter be retained.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

10. Prior to the above ground works samples and/or details of the metal rainwater goods to be used on the retained Pauls Moss mansion and rainwater goods in relation to all new build construction on site shall be submitted to and approved in writing by the Local Planning Authority. The decorative rain hoppers on the Pauls Moss House will be retained. 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. No above ground works shall be commenced until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales within the first planting season following completion of the new build external construction on site. Works shall be carried out as approved.

The details will include provision for:

- layout and design of the landscaped areas both soft and hard.
- Size and type of vegetation species to be planted.
- Maintenance schedule in order to ensure their survival and maintenance.
- Any species that fail within the first five years will be replaced in the following planting season with varieties of similar species and size.
- Detail of species to be retained on site and their position.
- Detail of all outdoor furniture to be installed including their construction, colour and size.

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

12. Prior to any above ground works details will be submitted to the local planning authority with regards to all external construction materials in relation to new build building development on site. Development will be carried out as approved.

Reason: In order to ensure external building development is of satisfactory construction in consideration of the surrounding Conservation Area and scale of development as approved.

13. Prior to the above ground works commencing samples and/or details of the plain clay roof tiles to be used on the retained Pauls Moss mansion 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.

14. Prior to the above ground works details of the windows to be fitted in the retained Pauls Moss mansion 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

15. Prior to any above ground works details will be submitted to the local planning authority with regards to all external construction materials in relation to new build building development on site. Development will be carried out as approved.

Reason: In order to ensure external building development is of satisfactory construction in consideration of the surrounding Conservation Area and scale of development as approved.

16. The development hereby permitted shall not be brought into use until a car parking management plan has been submitted to and approved in writing by the Local Planning Authority. Details within this plan will include allocation of spaces and strategy for the instructional and directional signage of the parking within the site and that available off site. The parking shall be delivered in accordance with this plan, also properly laid out, hard surfaced and drained prior to first occupation of the facility and then maintained as such for the lifetime of the development.

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

17. Prior to first occupation / use of the buildings, 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:

- A minimum of 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 20 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species, including starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

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 175 of the NPPF.

18. Prior to the development hereby permitted being first brought into use or occupied, the staff car park access onto Rosemary Lane is delivered, constructed in full with visibility splays of 2.4m x 33m and is in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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

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

19. The extra care units shall solely be occupied by those demonstrating a local connection to the Shropshire Council Area as defined in the Shropshire Affordable Housing Allocation Policy

Reason: To meet the identified extra care housing need in Shropshire

20. The extra care apartment building (Use Class C2) shall only be used for the purposes of providing extra care purposes. They shall not be used for any other purposes including any other purpose within Use Class C2 of the Town and Country Planning (Uses Classes) Order 1987 as amended.

Reason: In the interests of the protection of residential amenity

21. The extra care accommodation made up of 71 units shall be made available as Affordable Rent accommodation and shall not be let or occupied other than under a tenancy in accordance with the normal letting policy of a registered Provider.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 to ensure affordability in perpetuity.

22. The Travel Plan (TP) objectives shall be fully implemented in accordance with approved details for the lifetime of the development. The TP shall thereafter be submitted to Shropshire Council upon request but no less than 2 years from the date that the development is first brought into use/occupied and every 2 years thereafter.

Reason: To minimise the use of the private car and promote the use of sustainable modes of transport.

23. Construction and /or demolition shall only take place between the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No construction activities shall occur on Sundays and public holidays.

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

24. The approved scheme for the noise attenuation as detailed in the REC, Noise Assessment Report dated Aug 2019, ref: AC106392-1r1, shall be completed prior to the occupation of the site and thereafter retained.

Reason: To protect residential amenity, health and wellbeing.

25. The occupation of the extra care units hereby approved shall be limited to persons who have reached the age of 55 and who are in need of extra care

Reason: The extra care apartment block is not considered suitable for general needs housing due to amenity and car parking provision.

Informatives

1. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 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.

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.

2. 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 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.

3. 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.

4. 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.

5. This planning permission does not authorise the applicant to:
- o construct any means of access over the publicly maintained highway (footway/verge)
 - or
 - o carry out any works within the publicly maintained highway, or
 - o authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
 - o undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
 - o undertake the placing of a skip, scaffolding, hording or fencing on or immediately adjacent to the highway, or
 - o use the highway for any purpose associated with the construction of this development, such as unloading delivery vehicles, parking of plant or machinery or the storage of materials, etc.

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.

It should also be noted that the Developer may be directed by Shropshire Council to carry out works, within the public highway, overnight or at weekends (outside of the scope of the planning consent) to ensure through traffic disruption and health & safety requirements are managed appropriately

-



Committee and Date
 North Planning Committee
 15th October 2019

Item
6
 Public

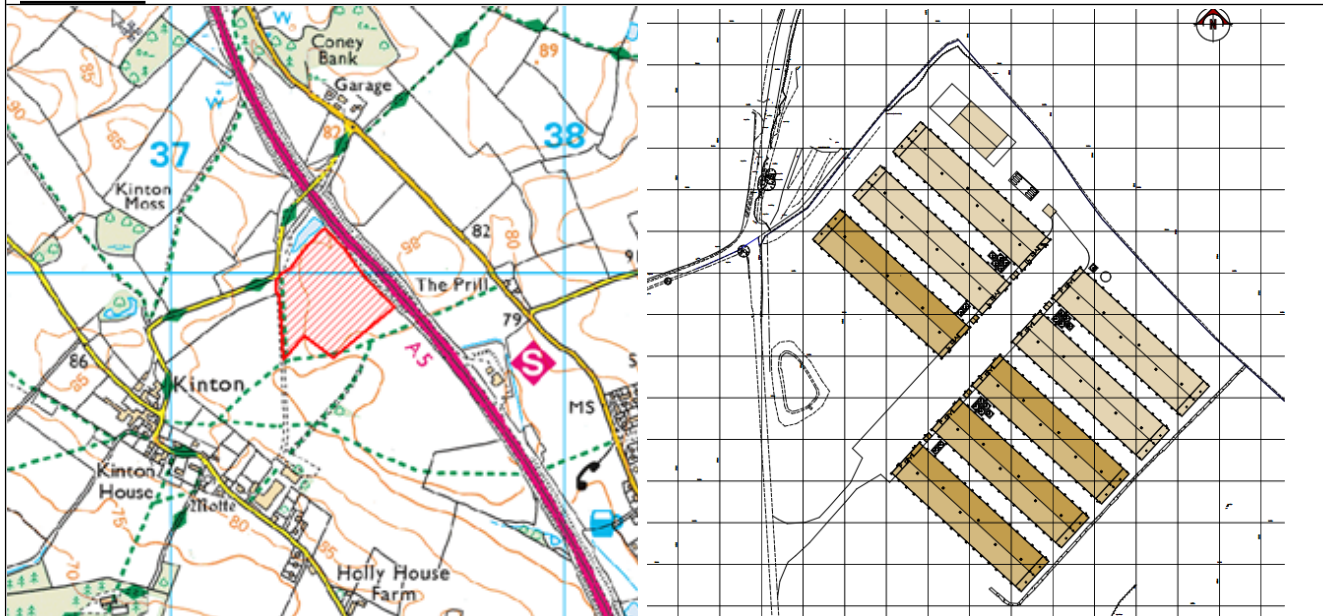
Development Management Report

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

Summary of Application

Application Number: 18/00130/EIA	Parish:	Great Ness
Proposal: Erection of four poultry rearing buildings, nine feed bins, landscaping scheme and all associated works (amended description)		
Site Address: Land North East Of Kinton Shrewsbury Shropshire		
Applicant: Great Ness Poultry Ltd		
Case Officer: Kelvin Hall	email: planning.northern@shropshire.gov.uk	

Grid Ref: 337304 - 319951



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Recommendation:

That Members delegate authority to the Planning Manager to refuse the planning application for the reasons set out below, subject to any amendments or additional reasons that the Planning Manager considers appropriate based upon any further consultation responses that are received within the further statutory consultation period.

The proposed development, which is Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, has the potential to have significant adverse effects on the environment. These effects relate to potential direct and indirect impacts, either alone or in combination with existing development, from odour emissions, noise emissions, manure management, ammonia emissions, and traffic. It is considered that insufficient information has been submitted to adequately identify what the likely significant effects would be, and as a consequence the submitted Environmental Statement does not meet the requirements of the EIA regulations. Therefore the local planning authority is unable to assess what the impact of the development would be on the environment, and whether the proposal can be supported in relation to Development Plan policy and other material planning considerations, including Core Strategy policies CS5, CS6, CS13 and CS17, and SAMDev Plan policies MD2, MD7a, MD7b, MD8, MD12 and MD13.

It is acknowledged that the proposal would provide economic benefits, including from the investment in the expansion of the existing business and the additional and sustained labour requirements which would result from the construction and operation of the development. Nevertheless it is not considered that these benefits would be sufficient to justify a grant of planning permission in view of the deficiencies of the current application.

REPORT**A BACKGROUND**

- A.1 This application was presented to the Central Planning Committee at its meeting on 4th July 2019, following a Member's site visit in the morning. The original Officer recommendation, as set out in the Committee report, was that planning permission be refused due to insufficient information having been submitted to enable the planning authority to assess the impact of the development. Following the publication of the Committee Report the applicant's agent requested that the application be deferred for consideration at a future Planning Committee to allow further opportunity for the information requested to be provided. In the light of this the Officer's recommendation was amended to deferral of the application, and Members unanimously expressed their support for this deferral.
- A.2 Since that time the applicant has submitted further and revised information. This includes a noise report, a manure management plan, and amendments to the proposal to omit the agricultural workers dwelling. The Environmental Statement, Non-technical Summary, Design and Access Statement and drawings have been revised to reflect these changes. Re-consultation on the further information has been carried out, and this Committee Report provides an updated Officer assessment and replaces the one presented to Committee in July.

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the erection of four poultry rearing

buildings, nine feed bins and other ancillary works as part of the expansion of the existing enterprise at Kinton. There would be three blending sheds situated between the buildings. The proposed development would increase the number of birds at the site by 200,000, with each poultry building accommodating 50,000 birds. Together with the existing buildings, this would result in a total number of birds at the site of 400,000.

- 1.2 The poultry buildings (measured from the submitted plans) would be approximately 109 metres x 27 metres with an eaves height of 2.7 metres and a ridge height of 5 metres. External materials would be box profile metal sheeting, of a dark colour to be agreed, and lower block work. They would be fitted with roof extraction fans which would protrude from the roof slope, and rear gable end extraction fans. Integrated within the gable end of each of the poultry buildings would be a store, a control room, a wc, and a canteen.
- 1.3 The feed bins would be cylindrical with a conical top and bottom on top of a concrete plinth. They would be of metal construction of a dark colour to be agreed. They would be 3.3 metres wide with a total height of 9.2 metres. The wheat blending rooms would be 5 metres x 3 metres x 3 metres to eaves and 3.4 metres to ridge. The area of hardstanding which is used for turning, loading and unloading at the existing buildings would be extended. Landscaping would include the formation of a screening mound to the west of the buildings, and the planting of trees and hedgerows around the development
- 1.4 The application as originally submitted proposed the construction of an agricultural workers dwelling and detached garage. This no longer forms part of the proposed development.
- 1.5 Production process: The rearing cycle involves bird delivery, ‘thinning’, removal and shed cleaning. At the start of the cycle, birds are delivered to the site from a hatchery. When they reach around five weeks old a ‘thinning’ takes place, where a proportion are removed and transported to the processing company. This takes place over two days. The remaining birds are removed when they are around six weeks old. This process also takes place over two days. The used litter is then removed from the site, and it is proposed that this is stored in fields prior to spreading on agricultural land farmed by the applicant. The sheds would then be cleaned in preparation for the next bird delivery.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The existing poultry farm includes four large poultry buildings, feed bins and a biomass boiler building located at the northern part of a former arable field to the north-east of the village of Kinton. The application site covers an area of approximately 5.8 hectares and encompasses both the existing site and an area to the south-west where the proposed additional buildings would be situated. The north-east side of the site is bounded by a tree covered embankment. This falls away to the A5(T) which runs in a cutting further to the north-east. There is a hedgerow adjacent to the northern boundary of the site, beyond which is a belt of trees around a drainage pond. The western boundary of the site is bounded by a road which provides access to the Kinton Business Park. On the other side of this road, and to the south of the site, is agricultural land.
- 2.2 The approved access into the poultry farm is from the public highway to the north, via a short section of the private access road which leads to the business park. The as-built access does not conform to this, and has been constructed approximately 120 metres further south than it should have been. The proposed access would use this (currently

unauthorised) entrance point. The nearest residential properties to the application site are two dwellings at The Prill, approximately 270 metres to the east, on the opposite side of the A5(T). Other properties lie approximately 330 metres to the north, and properties at Kinton approximately 310 metres to the south-west.

- 2.3 Kinton Business Park lies approximately 280 metres to the south, and includes a mix of light industrial units and offices. The A5(T) Nesscliffe Services area is located approximately 200 metres to the south-east, on the opposite side of the A5(T) to the application site. There are a number of public rights of way in the area. The nearest of these runs north-south through the western boundary of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Great Ness & Little Ness Parish Council** Objects. Taking account of the number of other sheds in the area, the council has concerns re cumulative impact of amenity, noise and odour and vehicle movements. The impact assessments should also assess and address how it will affect new housing, such as that being constructed on The Crescent. The application does not include a waste management plan. There needs to be a higher bund to actually screen effectively as at present only small hedging planted.

- 4.1.2 **Environment Agency** No objections.

Environmental Permitting Regulations: The proposed development will accommodate up to 200,000 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.

Kinton Farm currently operates under an EP for its intensive poultry operations. The current EP has an upper threshold of 400,000 birds which will not be exceeded by the current submission. We have had no complaints with regards the operation of the site.

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 predominantly located within Flood Zone 1, the low risk Zone. The Flood Map for Planning does show a small area of Flood Zone 3 along the Western portion of the site. This is addressed in the submitted Flood Risk Assessment (5.2 – Fluvial Flooding). Based on the scale and nature of the development we would have no bespoke comments to offer on flood risk matters and would refer you to our Standing Advice for development within Flood Zone 3 of an Ordinary Watercourse in consultation with your Flood and Water team.

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>

[At the time of writing this report no further comments had been received following the submission of the additional information in September 2019.]

- 4.1.3 **Historic England** Does not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 4.1.4 **SC Conservation** We previously provided consultee comments on the 2015 application for 4 poultry units on this site which I would refer you to for background. This current application proposes an expansion of the poultry unit buildings to a total of 8 along with the introduction of an agricultural works dwelling with detached garage. The expansion of the poultry rearing buildings and related activities is towards the south-west moving it closer in proximity to the historic settlement of Kinton which is comprised of both designated and non-designated heritage assets. I would also note that in considering this planning application, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and Historic England Guidance.

A Heritage Impact Assessment has again been prepared by Castlering Archaeology which addresses the requirements noted above and the conclusions of the assessment are acknowledged. An LVIA has also been prepared. A strict landscaping planting and maintenance condition as recommended in the assessments should be included in the Decision Notice should the proposal be approved. A consistent approach to materials and finishes across all of the buildings appropriate to the rural context of the area should be conditioned. I would also refer you to the comments provided by the Archaeology half of our Team as well as Historic England.

With respect to the proposed agricultural workers dwelling I would suggest some potential improvements to the proposed design particularly as this dwelling is to be located at the site entrance and set away somewhat from the main poultry rearing buildings where a simpler more traditional farmhouse design more conducive to the rural context here is desired. For example removal of the dormer windows in favour of a consistent roofscape with second floor windows below, simple window articulation throughout incorporating traditional timber casements and a more modest porch feature may improve the overall appearance of the dwelling. Further discussion on this aspect of the scheme is recommended and a revised design would require the inclusion of appropriate conditions relevant to external materials and joinery details and these should reflect the local vernacular.

- 4.1.5 **SC Archaeology** A Heritage Impact Assessment by Castlering Archaeology is included at Chapter 6 of the Environmental Statement, and has also been submitted as a separate report with the application. We confirm that this satisfies the requirements of Paragraph 128 of the NPPF and Policy MD13 of the emergent SAMDev component of the Local Plan.

The Assessment concludes that the proposed development would have limited negative impact on the views and setting of the Scheduled Monument of Nescliffe Hill Nesscliffe Hill Camp: a small multivallate hillfort (NHLE ref. 1020285). We concur with these findings and note that Historic England likewise raises no objections to the proposed development

in this respect.

The Assessment indicates that soils stripping on the proposed development was monitored as part of an archaeological watching brief during the Phase 1 development of the site. As a consequence, it considers that the proposed development will have no negative adverse impacts on any archaeological interest on the site itself and we would again agree with this conclusion. On this basis we no further comments to make with respect to archaeological matters.

4.1.6 **Natural England** Further information required to determine impacts on designated sites.

As submitted, the application could have potential significant effects on a number of designated sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: an assessment of impacts on designated sites and details of proposed mitigation to reduce predicted impacts. Without this information, Natural England may need to object to the proposal.

Additional Information required:

This proposal triggers impact risk zones for a number of designated sites including the Midlands Meres and Mosses Phase 1 Ramsar, Midlands Meres and Mosses Phase 2 Ramsar, Fenemere Site of Special Scientific Interest (SSSI), Morton Pool and Pasture SSSI, Shrawardine Pool SSSI and Lin Can Moss SSSI. However no assessment has been provided on the likely impacts on these designated sites has been provided.

Environmental Statement / Ecological Assessment

Paragraph 7.5.2 of the Environmental Statement suggests that there is potential for air pollution associated with the development to affect designated sites including those mentioned above. The paragraph goes on to state that this will be dealt with in another chapter of the ES however there does not appear to be a chapter of the ES which considers the significance of impacts on designated sites or any mitigation proposed to reduce impacts of air pollution on designated sites.

Paragraph 7.5.5. of the Ecological Assessment concurs and continues to say that it is likely the proposed development will have cumulative impacts on designated sites due to other similar developments considered and proposed in the vicinity of the designated sites, it suggests that a Habitats Regulations Assessment will be required due to proximity to designated sites however again it suggests that proposed impacts and mitigation are in another section of the ES.

Ammonia Screening Tool (AST) Results

We note the AST results, it appears the assessment was undertaken in January 2015. With regard to Lin Can Moss SSSI we note the Process Contribution of ammonia as a percentage of the Critical Level from this proposal is 42.96, towards the high end of the threshold considered significant by the Environment Agency (EA).

Natural England notes the results of the 'in-combination' assessment, the number of similar proposals within a 5km radius of Lin Can Moss SSSI suggests that there is a 'development cluster' of this type of proposal around this designated site and as such recommends additional consideration of the cumulative impacts on this site. We note that the EA's assessment suggests that those proposals with a Process Contribution of below

20% are considered insignificant, however, one is very close to the 20% threshold (19.52%). Taken together, those that screen below the 20% threshold and this proposal add up to a Process Contribution of 96.98% on Lin Can Moss. This is just the total of those proposals which require a permit from the EA, there may be smaller similar proposals which will not be permitted by the EA which could nevertheless have similar impacts. However, no information or assessment have been provided to allow the consideration of impacts these high levels of air pollution will have on the SSSI. No details of mitigation to reduce the impacts have been provided. Without mitigation, this proposal may prevent future similar developments because of the high relatively high levels of ammonia generated by this site on Lin Can Moss and may undermine efforts to reduce the already high background levels which may be damaging the SSSI which may be suffering from the effects of nutrient enrichment.

Shropshire Local Plan Policy

Shropshire's Site Allocations and Management of Development Policy MD12: The Natural Environment states

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

- i. the special qualities of the Shropshire Hills AONB;
 - ii. locally designated biodiversity and geological sites;
 - iii. priority species;
 - iv. priority habitats
 - v. important woodlands, trees and hedges;
 - vi. ecological networks
 - vii. geological assets;
 - viii. visual amenity;
 - ix. landscape character and local distinctiveness.
- will only be permitted if it can be clearly demonstrated that: a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and; b) the social or economic benefits of the proposal outweigh the harm to the asset. In all cases, a hierarchy of mitigation then compensation measures will be sought.

Lin Can Moss is a quaking bog, a priority habitat, a national designation and part of Shropshire's Ecological network. As stated above, this proposal may have cumulative impacts on the designated site yet no assessment has been provided to allow the consideration of the impacts of this proposal to satisfy local policy. In addition it is not clear how the mitigation hierarchy has been applied, i.e what measures have been put in place to avoid potential damage by potentially including equipment within the development which reduces emissions to air or to mitigate the impacts on the designated site which may include contributing financially to site management to reduce the effects of air pollution through active interventions at the site. Natural England could not comment on potential compensation without understanding the likely impacts.

We recommend you seek this information in order to satisfy local and national policy.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Further general advice on the protected species and other natural environment issues is provided at Annex A.

[At the time of writing this report no further comments had been received following the submission of the additional information in September 2019.]

4.1.7 SC Ecologist Recommends refusal.

Information previously requested has not been submitted. Based on the level of information currently provided with the planning application, SC Ecology would recommend refusal;

- Sites of Special Scientific Interest are nationally designated nature conservation sites that have statutory protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). Based on the information currently submitted in support of this proposal the application is likely to damage the scientific interest features of Lin Can Moss SSSI and Shrawardine Pool SSSI.

Under section 28I of the Countryside and Rights of Way Act, Natural England must be formally consulted on this application and their comments taken into account prior to making a planning decision. Natural England has advised Shropshire Council that further information is required, without which it may have to object to the application.

If the authority is minded to grant planning permission contrary to the advice of Natural England, it is required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, the authority has taken account of Natural England's advice. A further period of 21 days must be secured before the operation can commence.

Two internationally designated wildlife sites lie within 10km of the proposed development. Natural England has requested information on potential impacts through airborne ammonia on these two sites. The Local Planning Authority will need to carry out a Habitats Regulations Assessment under the Conservation of Habitats and Species Regulations 2017, before granting any planning permission.

Based on the evidence submitted, the planning case officer cannot conclude that the planning application will not have significant adverse effects on biodiversity under policies MD12, CS17 and NPPF due to impacts on Natural Assets (Ancient Woodland and Local Wildlife Sites).

SC Ecology has provided formal comments regarding the Ecological Impact Assessment prepared by Churton Ecology (October 2017) below. Conditions and informatives have been listed, but these only cover biodiversity matters other than the impacts of airborne ammonia and are only for use if the above outstanding issues above have been satisfactorily resolved.

The recommendations stated in the SC Ecology response dated 23rd March 2018 remain the same. Due to predicted damage to designated wildlife sites. SC Ecology recommends refusal.

Since SC Ecology's 23rd March 2018 response, new caselaw has been published with

regard to international sites. Recently Natural England in their consultee responses, have advised LPAs as follows:

“Notwithstanding the above, your authority should be aware of a recent ruling at the Court of Justice of the European Union which may relate to this proposal, the Coöperatie Mobilisation (AKA the Dutch Nitrogen Case) (Joined Cases C-293/17 and C-294/17).

The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in ‘unfavourable’ conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

The case also considers the implications where a site is currently exceeding its environmental benchmarks the [international site, SAC, SPA or Ramsar] is currently exceeding its critical load for nitrogen according to APIS

Natural England is therefore advising Competent authorities that when undertaking HRAs they should be mindful of this case and should seek their own legal advice on the implications of this recent ruling for their decisions. We would also encourage those proposing plans or projects which may affect international sites to consider how this case may affect their proposals.”

Shropshire Council is in the process of taking legal advice on this issue. It is noted that Morton Pool and Pasture and Fenemere Ramsar sites lie within 10km of the proposed development site and Natural England (consultee response dated 5th April 2018) have requested more information to be submitted, including for these sites. If more detailed modelling of ammonia impacts should take place in future, both these sites should be included and the relevance of the case law considered. Both these sites are several times over their respective critical levels and loads for ammonia and nitrogen deposition.

The Manure Management Plan shows that fields receiving manure from the development would lie within 450m of Lin Can Moss at their closest point. Further information is required on the impacts from ammonia from the spreading of manure.

Ecological Impact Assessment

SC Ecology has been asked to provide comments on the Ecological Impact Assessment, and any proposed conditions should planning permission be granted. This response should be read in conjunction with the 23rd March 2018 response.

Habitats: The site was surveyed in 2015 and again in 2017 by Churton Ecology. The land to be lost for this current application consists entirely of arable land with some arable weeds and hence is of low biodiversity value. A rough area of semi-natural habitat lies to the north west. Both boundary hedgerows, which are relatively species-poor, remain intact. Other than through airborne ammonia emissions from the proposed units, there would be no impacts on designated wildlife sites or ancient woodlands.

Great Crested Newts: Although there is a nearby pool, its function as an attenuation pool i.e. seasonally wet and heavy rainfall-dependent, makes it unlikely to support this species. This was confirmed by carrying out presence/absence surveys in May 2015 (details of results in Appendix EA2) when the pool was periodically holding water (for a few days

only after heavy rainfall). On the 13th April 2017 the pool was dry. No further surveys for GCN are required.

Badgers: Evidence of badgers close to the site was found but the current proposal is unlikely to have any impacts on badgers. As a precautionary measure a condition for an additional survey before construction commences is provided below.

Birds: Given the transient nature of arable habitat, ground nesting birds are not considered to be an important ecological feature of this site. Given that the hedgerows are likely to support some of the notable (and other) scrub/hedgerow birds which have been previously recorded in the area e.g. Dunnock, Yellowhammer, Whitethroat and Song Thrush, breeding birds are considered to be an important ecological feature in a site context (boundary hedges only). No further surveys are required.

Landscaping and habitat management: In the Landscape and Biodiversity Management Plan (BMP), drawn up for the first development (15/05462/EIA), there were plans for an overall increase in hedgerow through new hedgerow planting. All hedgerows were to be enhanced through sensitive management and some additional tree planting within them. Small areas of woodland were to be planted on the west side of the site over some of the planned rough grassland area. A positive residual effect on biodiversity, significant in a site context, was predicted. AS the execution of the Landscape and BMP was a condition of the first planning application, similar landscaping, in altered locations over the whole poultry site, is planned to achieve a net gain for biodiversity. However, due to the adverse impacts predicted from airborne ammonia on designated wildlife sites and biodiversity in general in the area, the proposed landscape plan is insufficient. It should be revisited to provide greater tree/scrub/hedge planting following current best practice on tree screening to absorb ammonia. This measure, whilst a valuable enhancement, cannot be considered mitigation in the short term as it may take 20 -30 years for the screening to reach a useful size. Ongoing damage will have occurred to designated sites throughout this period and it is unclear how much ammonia such a screen can absorb. Conditions requiring a Construction Environment Management Plan, revised landscape plan and biodiversity management plan can be found below.

Lighting: The Ecology Report suggests that the existing hedges and any additional landscaping may be used by foraging and commuting bats and nesting birds. A lighting condition has been provided to prevent disturbance to these species.

Summary:

Additional information is being requested to establish what impact the proposal will have on 2 internationally designated sites, 2 Nationally Designated Sites, 2 Ancient Woodlands, and 6 Local Wildlife Sites as the Process Contribution Screens above a 1% threshold screening threshold. If the detailed modelling indicates that the Process Contribution plus the in-combination assessment with other plans and projects impacting on the same sites will be below 1% then further additional screening is not required. If the process contribution plus the in-combination process contributions screen above 1% then Step 4 and 5 should be undertaken in line with the NRW Guidance Note 20. SC Ecology has identified applications/permits which should be considered in-combination and will help the applicant gather this information if required.

Without the additional information SC Ecology must conclude that the current proposal

will be detrimental to the Designated Sites and Natural Assets listed and planning permission should be refused in accordance with legislation and planning policy.

Natural England must be consulted on any additional information submitted for the planning application and their advice should be taken into account before a planning decision is made.

Should planning permission be granted, conditions should be imposed to cover the following matter, however doing so would not mitigate for biodiversity damage caused by airborne ammonia.

- Pre-commencement badger inspection
- Submission and approval of a Construction Environmental Management Plan
- Submission and approval of a landscaping plan
- Submission and approval of a habitat management plan

Previous comments (23/3/18):

There are two biological SSSIs within 5km of the site: Shrawardine Pool and Lin Can Moss. The EA has undertaken an in-combination assessment as the Process Contribution along for Lin Can Moss SSSI is 42.96% and is therefore above the 20% critical level threshold (under EA guidance).

The level of information submitted in support of the current planning proposal does not allow SC Ecology to conclude that the current proposal will not be detrimental to the Nationally Designated Sites listed.

Additional information is being requested to establish what impact the proposal will have on 2 Nationally Designated Sites, 2 Ancient Woodlands, and 6 Local Wildlife Sites as the Process Contribution Screens above a 1% threshold screening threshold. If the detailed modelling indicates that the Process Contribution plus the in-combination assessment with other plans and projects impacting on the same sites will be below 1% then further additional screening is not required. If the process contribution plus the in-combination process contributions screen above 1% then Step 4 and 5 should be undertaken in line with the NRW Guidance Note 20. SC Ecology has identified applications/permits which should be considered in-combination and will help the applicant gather this information if required.

Without the additional information SC Ecology must conclude that the current proposal will be detrimental to the Nationally Designated Sites and Natural Assets listed and planning permission should be refused in accordance with legislation and planning policy.

- 4.1.8 **SC Landscape consultant – ESP Ltd.** No objection. We consider that the findings of the LVIA submitted are reliable and set out a comprehensive assessment of the landscape and visual effects of the proposed development. The mitigation proposals appear to be appropriately designed and specified.

In terms of cumulative impacts, the LVIA Addendum prepared by Allan Moss Associates lists 5 existing poultry units which are located between 2.3 and 5.0km from the proposal site. I am comfortable that the existing operations be treated as part of the landscape and visual baseline in accordance with the guidance in GLVIA3 (S 7.13 'existing schemes and those which are under construction should be included in the baseline for both landscape and visual effects assessments (the LVIA baseline)'). This is also consistent

with the guidance in GLVIA3 (S 7.4) 'to keep the task reasonable and in proportion to the nature of the project under consideration'. On that basis, as I suspected, the 5 existing poultry units are demonstrated by Allan Moss Associates to have sufficient physical and visual separation from the proposal site not to lead to any cumulative effects.

However, the LVIA and Addendum remains silent on the potential for cumulative effects that may arise from schemes with planning consent and schemes that are subject to a valid planning application that has not yet been determined. Paragraph 9.2 of my review noted that;

'The LVIA takes account of the cumulative effects of the proposed development and the existing poultry operation but does not refer to any other similar existing or proposed developments which may contribute to cumulative effects'

It would therefore be sensible so that we can conclude this matter for Allan Moss Associates to address the issue of potential cumulative effects from any similar proposed developments.

9/4/18

In relation to the objection from Shrewsbury CPRE, although the objection refers to 'adverse impact on the landscape' the details of the objection relate entirely to visual matters.

It is not clear from the objection from precisely where the photograph was taken, however the Applicant's LVIA has assessed the visual effects likely to be experienced by receptors at Oliver's Point on Nesscliffe Hill, which is 1.0 km from the proposal site.

The objection notes that the tree planting bordering the A5 acts to 'break up the line of the sheds' and that the green roofs blend in with the surrounding area, but that despite this it is a dominant feature in an important landscape, and that the enlarged poultry farm will have an even greater impact on the landscape when seen from the Nesscliffe Hill viewpoint.

The LVIA carries out a robust assessment of visual effects from this location. The methodology in the LVIA includes 5 levels of criteria for assessing landscape value, from Negligible/Negative to National/International. The level of criteria at the midpoint of this scale is described as Parish/District, which is defined as Landscape areas or landscape features of more than just local value e.g. recognised landmarks & beauty spots, village greens & common land. The LVIA ascribes the visual amenity value at the viewpoint at Nesscliffe Hill as Parish/District, reflecting its status as a Country Park, and the susceptibility of visual receptors as High, given that the experience of the landscape here is a primary motivator for their visit. The scale of the visual effect is judged to be Low/Medium adverse, the geographical extent Low and the duration/reversibility Medium/Long term.

Taking all these measures into account, the degree of significance of visual effects is judged to be Minor adverse.

As we noted in our review of the LVIA, the methodology used is appropriate and has been applied consistently with evidence in support of the judgements reached, so we are in agreement with the findings that it has reached.

Turning to the specific points that the objector has raised, the proposal is described as 'dominant'. This would equate to the measures of Scale and Geographical Extent used in the LVIA. In ascribing the Scale as Low/medium adverse the LVIA refers to the criteria for this measure as a 'Minor change in view where proposed development would be apparent: visible, evident, obvious, perceptible, discernable, recognisable.' In ascribing the Geographical extent as Low the LVIA refers to the criteria for this measure as 'Visual change between low and medium (eg. 100-500m length).

Given that these assessments would appear to be appropriate, we believe that that the objector has overstated the scale and extent of the proposed development when viewed from this location.

The objector also refers to this being an 'important landscape'. It is not clear whether the objector is referring to the landscape within which the application site is located, or the landscape within which the Nesscliffe viewpoint is located. The LVIA recognises that they have different values, and proposes that the value of the landscape within which the proposal site is located is ascribed a level of Local, the second lowest out of the five levels of criteria set out in the LVIA methodology. The landscape around Nesscliffe Hill is ascribed the next highest value of Parish/District by virtue of its status as a Country Park and a well-used recreational facility. We believe that these judgements are appropriate and that the objector has overstated the value/importance of the landscape. Although the landscape around Nesscliffe Hill is recognised in the LVIA as having a higher value, the influence of this factor on the level of visual effects that may be predicted is assessed in the LVIA as being reduced by virtue of there being a low/medium scale and low geographical extent of the development at this location.

The photograph attached also acts to overstate the degree of visibility that the proposal site has from this location. The photograph has been taken with a zoom or telephoto lens which gives the location site a far greater prominence than a viewer at this location would in fact experience. In addition, the filtering/framing effect of trees in the immediate vicinity of this viewpoint and their effect in reducing the extent of views from this location has been lost as a result. The photograph in the LVIA (No. 2) from this location has been taken with a fixed 50mm optical focal length lens which is the accepted specification for achieving a realistic impression of how the viewer would see the landscape.

4.1.9 **SC Public Protection** Objects.

2/10/19

A noise assessment ref: M1936/R01 produced by Matrix Acoustic Design Consultants has been provided by the applicant. The assessment considers noise from fan noise from the poultry units. It does not consider any other noise sources associated with the running such as feed delivery noise and depopulation and therefore has not assessed any of these noise sources in combination and the resulting impact.

The noise assessment has considered the fan noise from the current and proposed units aggregated. It concludes that there is no significant noise impact as noise levels from fan noise are predicted to remain low during all times of day. Having considered the assessment I conclude that fan noise will have a very low impact on any nearby sensitive receptors.

Looking at the most recent information I can no longer see any reference to an agricultural workers dwelling. If this is indeed the case there is not considered to be the need for any PM10 (particulates with a diameter of less than 10 microns) assessment as the parameters found in the Local Air Quality Management Regime are not met and no assessment is necessary. Should any residential dwelling be brought within 100m of the site in future PM10 assessment will be necessary.

Previous comments have requested odour assessment to consider the impact of the cumulative odour produced by the existing and proposed poultry units. I cannot see any such assessment and can therefore make no comment on this aspect and would highlight that this assessment may still be outstanding.

It is recommended that the applicant make reference to manure disposal and the potential for odour impact. It is noted that a the odour management plan states that all manure will be taken by a separate entity and spread and that legal agreements will be in place to ensure that spreading of manure takes place in line with the relevant code of good agricultural practice. I would recommend this is suitably conditioned given past appeal decisions of poultry operations in the county.

1/5/18

Having considered the information supplied it is noted that the applicant has not undertaken a noise assessment based on the justification of nearest residential properties being more than 575m away from the proposed site. However, there are residential properties approx. 315m away to the north east (1 and 2 The Prill) and 400m to the south (e.g. Kinton Tythe, Tithe Barn and others). I would agree that noise from the road may impact on the development and properties nearby however some noise from the development may be more notable to nearby residents e.g. depopulation and thinning at night.

In addition the applicant has not provided any odour assessment. As there are receptors within 400m I would advise that this is requested to consider if odour is likely to be an issue at nearest properties or not.

In respect of both noise and odour the applicant has stated that due to having had these aspects assessed through the Environmental Permitting regime there is no need to assess at planning stage. This is incorrect as the planning regime is set to protect amenity whereas the permitting regime is set to protect against nuisance.

6/2/18

Having considered the proposals it is noted that the proposed development would see the development reach a total capacity for 400,000 birds in mechanically ventilated units. As a result of the proposal to bring a residential property within 100m of the units the site would meet the criteria set out in Table 7.3 of Local Air Quality Management Regime Technical Guidance document 2016. As a result the applicant must provide a desk top assessment of the potential particulate exposure to the proposed residential dwelling in line with Box 7.2 of the above noted document. To avoid this assessment the applicant could ensure that the proposed residential building is more than 100m from the nearest proposed poultry shed.

As the proposal is doubling the size of the operation it is considered that a full noise assessment is required taking into consideration all plant and equipment on site including

biomass boiler, fans in sheds, depopulation and thinning events, feed delivery and processing.

An odour assessment is considered appropriate given the size of the overall operation on site. This must take into consideration all residential properties in the locality.

The reason for requesting noise and odour assessment which previously was not requested for the first 4 sheds is due to the combined impact of the proposed 400,000 bird site and associated equipment and plant.

4.1.10 **Highways England** Recommends conditions.

We note that the site has a common boundary with the A5. It is normal practice that the boundary treatment would remain privately owned and the inspection and maintenance would be the responsibility of the owner. We therefore recommend conditions to require that a scheme of foul drainage and surface water drainage is submitted for approval, and implemented before the development is brought into use; and that details of boundary treatment at the boundary of the site with the A5 are submitted for approval.

4.1.11 **SC Highways Development Control** Requests further information. There is insufficient detail submitted with the application to make an informed highway comment, at this time.

The application proposes four poultry rearing units in addition to those previously permitted under planning permission 15/05462/EIA, along with an agricultural workers dwelling and revised access to the private road serving Kinton Business Park.

The development is described in the submitted Environmental Statement and indicated on the Proposed Block Plan (Drawing No. 70011/17/03) with further information and drawings being provided in respect of vehicle/traffic movements and HGV routing.

Following the previous Highway Advice Note, an amended Environmental Statement has been provided along with a revised schedule of traffic movements. It is not clear what amendments have been made to the Environmental Statement and the version number of the statement remains the same as previously submitted.

It is noted that planning application (16/02773/DIS) for the discharge of conditions 5 (Highway Improvements) 6 (Access and road widening) and 8 (Traffic Routing) attached to planning permission 15/05462/EIA remains undetermined, however, a previous site visit and subsequent investigation appears to confirm that the works have been completed without any formal approval by Shropshire Council as Local Highway Authority. The latest submitted information does not make any reference to this issue and it is considered that as the additional HGV traffic associated with the expansion of the poultry rearing business will utilise the same section of road, there remains a need to assess the completed road widening works and signage to identify if any remedial or further works are required.

The current proposal is stated as accommodating an additional 200,000 birds, effectively doubling the current capacity. The traffic movements for the increased capacity are set out in Chapter 5 of the amended Environmental Statement and the traffic movement schedule.

The figures relate to a single “crop cycle” of which there are 7.6 each year with peak HGV movements occurring at the beginning and end of each cycle (population/de-population of birds). The traffic movements shown are considered to be generally representative of the HGV and other vehicle movements associated with the development and there are clearly economies of scale in servicing the increased number of units.

Whilst the principle of the development is acceptable, the proposed further increase in HGV movements needs to be considered in terms of the acceptability of the road widening works and route signage undertaken to date.

- 4.1.12 **SC Rights of Way** The southern section of FP 9 will clip the southern boundary of the poultry unit, this part of footpath 9 will need to be taken into consideration and either the units moved slightly or the footpath diverted around the building.

The section of FP 9 which runs north to south does not run along the track as I think is assumed and will still run through the area of the proposed agricultural workers dwelling so this would need to be diverted (onto the track) under section 257 of the TCPA 90 and we would have no objection to that.

If the planning application is to go ahead as applied for then the affected footpaths will have to be diverted under the terms of the Town and Country Planning Act.

The applicants will need to apply to the Mapping and Enforcement Team for such diversions and, in the meantime, the routes will need to be temporarily closed before any works commence at the site. The Mapping and Enforcement Team can provide the necessary information and application forms for the diversion orders (fees apply).

- 4.1.13 **SC Drainage** No objection. The surface water drainage proposal in the FRA is acceptable in principle. A detailed plan of the proposed drainage should be submitted for approval.

- 4.1.14 **SC Affordable Housing**
As this forms part of the larger business, if any new dwelling is needed it should be a secondary dwelling.

- 4.1.15 **Ministry of Defence – Defence Infrastructure Organisation** No safeguarding objections. The application relates to a site outside of Ministry of Defence safeguarding areas.

- 4.1.16 **Shropshire Fire Service** Advice provided (see Informatives).

4.2 **Public comments**

- 4.2.1 The application has been advertised by site notice and in the local press. In addition, 31 residential properties and businesses in the local area have been directly notified.
- 4.2.2 Four letters of objection have been received, raising the following points:
- Impact on housing estate currently being built, and village school
 - Imperative that odour and noise assessment is carried out, to include both new and existing installations
 - Waste management plan required as applicant appears to have problems finding storage space for existing waste

- Odour impact
- Risk of chicken flu; contamination from viruses via vehicles
- Will result in increase in vermin
- Impact on groundwater and local water supplies from manure spreading from nitrogen and antibiotic residues
- Increase of health complaints like asthma from increase in waste, smell and lorries
- Further proposals like this should be capped
- Already 5 large poultry enterprises, producing about 5 million chickens per year
- Need independent assessment of cumulative effect of so many large chicken farms close to each other, on health and wellbeing of residents
- Bund walls not high enough; should screen buildings from village
- Existing planted trees are too small; new trees should be substantial enough to produce a screen
- Land should be return to agricultural if use discontinued

4.2.3 One neutral representation has been received:

- Satisfied with how earth mounding (and eventually planting) has partially obscured views of existing chicken sheds
- No objection if proposed expansion can be equally well screened
- Proposal will make a much bigger impact on local views than existing
- Concerned over potential for site to become redundant if no longer required; should impose a condition requiring removal of buildings, and restoration, if use ceases

4.2.4 One representation of support has been received, with no reason given.

4.2.5 **Shrewsbury CPRE** Objects. We note that the existing unit has been located and screened in order to minimise so far as possible its impact on the surrounding area. When seen from the viewpoint on Nesscliffe Hill the trees bordering the A5 break up the line of the sheds, especially in summer when the trees are in leaf, while the green roofs blend in with the surrounding area. Nevertheless, it is a dominant feature in an important landscape. The attached photograph taken early in February illustrates this.

Our concern is that the enlarged poultry farm will have an even greater impact on the landscape when seen from the Nesscliffe Hill viewpoint. It is in conflict with Structure Plan policy CS17 and should not therefore be permitted.

We also object based upon any increased smell already coming from the existing unit which will be compounded by further growth. The smell from any additional unit will particularly impact on residents in Nesscliffe where a new housing development is under way. It is particularly noticeable because of the prevailing south westerly breeze.

Further comments (17/7/19):

We understand that a delay has been requested on this application for further information to be obtained. We take the opportunity to repeat one aspect of our earlier objection - the smell. We experienced this on a visit to the Nesscliffe public woodland.

One of the main sources of odour is the spread of chicken manure. The planning application states:

All litter land-spread is under the control of a separate farming business and subject to a

written agreement and will be spread in line with the Code of Good Agricultural practice.

We could find no detail of how or where manure is spread. Furthermore, the receptors listed in the application are four private houses and a service station. Nesscliffe village is not mentioned.

If the applicant is complying with the above provisions, it is clearly not working. The odours presently experienced are coming from other activities at the poultry farm. Any extension of the farm as proposed could only make matters worse for the residents of Nesscliffe.

We support the officer's recommendation for refusal and hope that the committee will agree.

5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
 - Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character
 - Historic environment considerations
 - Residential and local amenity considerations
 - Traffic, access and rights of way considerations
 - Ecological considerations
 - Drainage and pollution considerations

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 specify that Environmental Impact Assessment (EIA) is required for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development would accommodate an additional 200,000 birds. It is therefore EIA development and the application is accompanied by a report entitled Environmental Statement.

6.1.2 The EIA regulations state that an environmental statement is a statement which includes, amongst other matters, at least:

- A description of the likely significant effects of the proposed development on the environment; this should cover the direct effects and any indirect effects;
- A description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment.

6.1.3 The regulations state that an environmental statement must include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment. Schedule 4 of the regulations state that environmental statements should describe the development, including, amongst other matters: an estimate, by type and quantity, of expected residues and emissions during the construction and operational phases. The EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development. This should include the cumulation of effects with other existing and/or

approved projects.

- 6.1.4 Relationship between planning and permitting processes: Due to its nature and scale, the proposed development would be regulated under the Environmental Permitting (England and Wales) Regulations, and therefore requires an Environmental Permit issued by the Environment Agency (EA). This Permit has now been issued and would control day to day general management, including operations, maintenance and pollution incidents. Para. 183 of the National Planning Policy Framework (NPPF) states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). It adds that planning decisions should assume that these regimes will operate effectively. Nevertheless the EIA regulations require that likely effects of the development on the environment are identified and taken into consideration in the decision-making process. These effects will include matters that are also regulated by the EA.

6.2 Planning policy context; principle of development

- 6.2.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration and sets out a presumption in favour of sustainable development and there are three overarching objectives to achieving this: economic; social; and environmental. The NPPF states that significant weight should be given to the need to support economic growth and productivity (para. 80). In respect of development in rural areas, it states that planning decisions should enable the sustainable growth and expansion of all types of business; and the development and diversification of agricultural and other land-based rural businesses (para. 83).
- 6.2.2 This approach is reflected in Development Plan policy. Core Strategy policy CS5 provides support for appropriate development within the countryside, which maintain and enhance countryside vitality and character 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, and this is discussed in sections below. Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.
- 6.2.3 The proposal to expand the existing enterprise would involve significant investment and would help to sustain the long-term viability of the rural business. It would provide additional economic benefits in terms of additional labour requirements in a sector which is appropriate in the rural area. The Environmental Statement states that the proposal is a sustainable economic development. Its list of benefits include: the expansion of the UK poultry meat production capacity; helping to meet the rising demand for poultry meat in the UK and becoming self-sufficient in poultry meat; reducing the need to import foreign produced poultry meat; reducing greenhouse gas emissions from fossil fuel consumption in transportation of meat across the globe, i.e. food miles. It is considered that the proposal has support in principle from Development Plan and national policy. However policies also recognise that poultry units can have significant impacts and these matters are assessed below.

6.2.4 Farm workers dwelling: The application as originally submitted included a proposed agricultural workers dwelling at the entrance to the site. In the previous Committee Report which was prepared for the 4th July 2019 meeting, Officers considered that insufficient justification had been provided for the need for an agricultural workers dwelling to support the expansion of the existing operation, or for the need for a dwelling of the size proposed. In addition Officers did not consider that the design of the proposed dwelling was appropriate for this rural location. The assessment of Officer was therefore that this element of the proposal was contrary to Development Plan policy. The revised application now omits the agricultural workers dwelling from the proposal.

6.3 Siting, scale and design; impact on landscape character

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. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment.

6.3.2 Siting and alternatives: Details of alternatives to the proposed development have not been provided. The Environmental Statement advises that the application site is considered to be the only suitable location as it is a natural extension to the existing poultry installation. The proposed buildings would be positioned close to the existing ones and would utilise existing infrastructure at the site such as roadways.

6.3.3 Design and sustainability: The buildings would be heated using a biomass boiler fuelled by woodchip/pellets, straw or Miscanthus, which would be more environmentally beneficial than the use of non-renewable forms of energy. The proposal would incorporate sustainable drainage measures to reduce impacts on surrounding land. Officers acknowledge that these represent beneficial elements to the proposal.

6.3.4 Landscape and visual impacts: The Environmental Statement includes a Landscape and Visual Impact Assessment (LVIA). This assesses the landscape in this area as having low/medium landscape quality. There are no national or local landscape designations affecting the application site. The poultry buildings would be constructed at the level of the existing sheds and ground modelling around the development would result in surrounding land being approximately 3.5 metres higher than the floor levels of the buildings. The existing approved landscaping scheme provides for tree and hedgerow planting around the existing buildings. The proposed development would prevent this from being implemented. However tree and hedgerow planting would be carried out along the new south-eastern and south-western boundaries of the site.

- 6.3.5 Taking into account factors such as the sensitivity of the landscape, the magnitude and significance of effects, and the existing development, the LVIA states that the effect on landscape character would be of Minor adverse significance. There would be a single low-wattage, downward-facing light above each of the main shed doors. The LVIA suggests that the effect of night-time lighting would be of Negligible adverse significance.
- 6.3.6 The site is generally well contained visually to the east and north by trees belts, and more open to view from the west and south. Potentially susceptible visual receptors include public footpaths in the area, the Kinton road, the A5(T) and The Cliffe and Oliver's Point. The LVIA has assessed visual effects from representative locations. The route of footpath 0419/9 would be directly affected by the development and would need to be diverted. The LVIA assesses the effect on the visual amenity of this footpath as of Moderate adverse significance. The LVIA acknowledges that visitors to Nesscliffe Country Park, to the east, would have high susceptibility to change. It states that from here the proposed development would be visible in the context of the existing poultry unit, the A5(T) and the adjacent service area, and the proposed ground modelling and tree/hedgerow planting would help to soften the outline of the development from this direction once established. It assesses the effect on visual amenity from Oliver's Point as of Moderate adverse significance. Effects from other public views, and from private dwellings, are assessed as being of Minor adverse significance to the decision making process. Overall the LVIA assesses the visual effects of the proposed development from these locations as Not Significant. The LVIA concludes that there would be no significant adverse landscape effects or visual effects.
- 6.3.7 The Council's landscape consultant, ESP Ltd., has been consulted on the LVIA and considers that its findings are comprehensive and reliable, and that the mitigation proposals are appropriate. The LVIA considers that the proposal would not lead to any cumulative effects with other poultry units and Officers concur with this conclusion. The proposal would be a significant development, and would extend the area of the whole site to approximately 5.8 hectares. It would increase its visibility in the local area, and result in adverse visual amenity from some public viewpoints. Nevertheless Officers consider that the proposed design and mitigation would enable it to be satisfactorily assimilated within the landscape, such that landscape and visual effects would not be unacceptable. The development would be visible from public rights of way and other viewpoints in the area which are frequented by tourists. However it is not considered that the impacts would be of such a scale as to have a significant impact on tourism in the area.
- 6.4 Residential and local amenity considerations**
- 6.4.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.
- 6.4.2 Odour: The proposed development has the potential to have a significant impact on the environment as a result of odour generation, both from the direct emissions from the poultry houses, either alone or in combination with the existing sheds, and also from the storage and spreading of manure produced by the development.
- 6.4.3 The Environmental Statement submitted with the application states that the impact of odour emissions has been scoped out of the EIA, i.e. not included in the assessment. It states that, due to the separation distance between the site and the places where people

live, no assessment has been made of the impact of odour on humans. Further, that the impact of odour emissions has already been assessed as part of the Environmental Permit application, and that odour was not a matter that was raised as a concern as part of the permit application demonstrating that the development is capable of being managed in an appropriate way such that odour from the site will not cause any significant environmental effects.

- 6.4.4 Officers do not concur with this approach and consider that this is contrary to the statutory requirements of the EIA regulations which include the matters noted in section 6.1 above. Officers, including the Council's public protection officer, have requested that an odour assessment is submitted. In response the applicant has submitted an Odour Management Plan (OMP) which was prepared as part of the application to the Environment Agency for an Environmental Permit. The OMP identifies thirteen sources as contributing to a potential medium – high risk odour source. It states that the most sensitive receptors would be inhabitants of nearby residential dwellings, and that the wind direction would significantly influence how receptors are affected. It also identifies five properties that it says would be potentially affected by airborne odour issues. It includes details of what procedures would be adopted to prevent or minimise odour levels. However the EIA regulations require that an assessment of impacts is included in the environment statement, not simply a plan to manage them.
- 6.4.5 Officers accept that the site benefits from an Environmental Permit and that this has been varied to allow 400,000 birds to be reared at the site. The Environment Agency notes that it is the responsibility of the applicant to undertake the relevant risk assessments and proposed suitable mitigation to inform whether emissions can be adequately managed. However, in order to meet the requirements of the EIA regulations, this assessment work needs to be undertaken as part of the EIA process and prior to a decision being made on the proposal. Officers acknowledge the advice in para. 183 of the NPPF regarding the relationship between the planning and pollution control regimes, as referred to above. However this does not obviate the need for EIA applications to comply with the EIA regulations.
- 6.4.6 Officers do not consider that there is sufficient justification for odour to be scoped out of the EIA process. There are sensitive receptors within the vicinity of the site, and odour is already emitted by the existing development thereby contributing to background levels in the area. In addition the application proposes that manure generated by the proposed development would be spread on land farmed by the applicant. This activity has the potential to have significant effects on the environment. It is appropriate for these matters to be included within the EIA process. This has not been done, and consequently Officers consider that the Environmental Statement is deficient as it does not meet the requirements of the EIA regulations.
- 6.4.7 Noise: Para. 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location; and mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development; and avoid noise giving rise to significant adverse impacts on health and the quality of life. The proposed development has the potential to have a significant impact on the environment as a result of noise generation, including from extraction fans, from vehicle movements around the site, and from the traffic movements to/from the site. These impacts may result either from the development itself, or in combination with the existing operation. However the Environmental Statement advises that noise impact has been scoped out of the EIA. It

states that the noise environment around the site is typical of a working farm with the associated feed deliveries, grain drying, milling, blowing off of feed, field work, yard etc. It suggests that the nearest residential curtilage is more than 575 metres from the site and is separated from the site by mature hedges. It goes on to say that noise emissions from the site have already been assessed as part of the Environmental Permit application; noise was not a matter that was raised as a concern as part of the permit application implying that noise generation from the site is unlikely to have any significant environmental effect. It refers to the aims of the NPPF to avoid noise from giving rise to significant adverse impacts on health and quality of life, and suggests that the proposal meets these aims, and that the EA confirmed this in granting the site an Environmental Permit to operate.

- 6.4.8 Officers do not consider that this is an appropriate approach and are of the view that it would fall short of the legal requirements of the EIA regulations, details of which are set out in section 6.1 above. Contrary to the suggestion in the Environmental Statement that the nearest residential curtilage is more than 575 metres from the site, dwellings at The Prill, to the east of the site, are approximately 300 metres closer than this, at approximately 270 metres. There are other properties approximately 330 metres to the north, and houses at Kinton village lie approximately 380 metres to the south-west. The Environmental Statement does not appear to have taken this into consideration when scoping noise out of the EIA process.
- 6.4.9 In order to address this, officers requested that a noise assessment is undertaken as part of the EIA process. In response, the applicant submitted a Noise Management Plan (NMP) and, in September 2019, a Plant Noise Assessment.
- 6.4.10 The NMP was prepared as part of the application to the Environment Agency for an Environmental Permit. The NMP states that its purpose is to:
- establish the likely sources of noise arising from a typical broiler chicken unit;
 - set out the procedures to be followed at Kinton Farm in order to prevent or minimise noise levels.
- 6.4.11 It lists nine ‘typical sources of noise problems’ and the actions that are in place at the site to prevent or minimise noise. The NMP is effectively a document setting out how noise levels would be managed. This is not sufficient for the purposes of complying with the EIA regulations. The Plan does not provide an assessment of the likely noise levels that would be generated by the proposal. It does not identify what the likely impacts of these levels would be, and what measures are proposed to ‘avoid, prevent, reduce or offset’ likely significant adverse effects on the environment.
- 6.4.12 The submitted Plant Noise Assessment suggests that as there will be no meaningful change in transport (feed deliveries, livestock delivery/collection etc.) noise emissions as a result of the proposed scheme, the assessment reviews plant noise emissions only. It states that the only plant associated with both the existing and proposed additional poultry units would be the roof-mounted extract fans. It identifies that the closest dwellings to the proposed poultry unit are approximately 320 – 425 metres away. It has not undertaken a background noise survey but has estimated such levels based on the rural location of the site and the proximity of the A5. It concludes that noise impact during the night will be low, and that aggregate extract fan noise emissions would not result in an adverse noise impact at the nearest dwellings.

- 6.4.13 The Council's Public Protection Officer has raised concern that the report only considers noise from the fans, and not from other sources such as feed delivery and depopulation of birds. It is acknowledged that these operations already take place at the site. Nevertheless the proposed development, by increasing the number of birds being reared from 200,000 to 400,000 at any one time, would result in a significant expansion of the existing operation. This would produce more noise-generating activity such as lorry movements associated with delivery and collection of birds and feed. Officers acknowledge that the noise climate of the area is affected by the proximity of the site to the A5, and also acknowledge the distance of sensitive receptors to the site. However it is reasonable to expect that these noise impacts are assessed as part of the Environmental Impact Assessment, particularly as many of the heavy vehicle movements would occur during night-time periods when background levels are likely to be lower.
- 6.4.14 Officers acknowledge that the site benefits from an Environmental Permit and that this has been varied to allow 400,000 birds to be reared at the site. The Environment Agency notes that it is the responsibility of the applicant to undertake the relevant risk assessments and proposed suitable mitigation to inform whether emissions can be adequately managed. However in order to meet the requirements of the EIA regulations, this assessment work needs to be undertaken as part of the EIA process and prior to a decision being made on the proposal. Officers acknowledge the advice in para. 183 of the NPPF regarding the relationship between the planning and pollution control regimes, as referred to above. However this does not obviate the need for EIA applications to comply with the EIA regulations. It is relevant to note that whilst the Environmental Permit would provide control over noise emissions, the Permit does not control any issues arising from activities outside of the permit boundary, such as that from vehicle traffic on the public highway. Officers therefore consider that the Environmental Statement is deficient as it does not meet the requirements of the EIA regulations.
- 6.4.15 Manure management: The proposed development would result in a significant quantity of manure being produced from the birds. Manure has the potential to result in significant impacts on the environment. The Environmental Statement advises that this would be used on land farmed by the applicant and taken from the farm by tractor and trailer in line with existing practices on the site. It states that the applicant farms sufficient land for spreading the manure and sufficient land for storing the manure within fields. However it confirms that no assessment of the impact of the storage of manure or the land spreading of manure has been carried out.
- 6.4.16 A Manure Management Plan (MMP) was submitted in September 2019. It states that it has been prepared for the total stock of 750,000 broilers, however it should be noted that the current proposal is for 200,000 birds to add to the existing 200,000 bird unit at the site, i.e. 400,000 birds in total. It is understood that the reason for this is that the MMP relates to the farmholding under the control of Great Ness Poultry Ltd., which includes both the Kinton poultry site and another one at Great Ness. The MMP states that the total amount of nitrogen that can be applied over the spreadable land on the farm would be 150,000kg, and that the total nitrogen produced on the farm is 247,500kg. As there would be more manure produced than can be accommodated within the farmland, the MMP states that some would be exported to anaerobic digester plants. This is inconsistent with the statement in the Environmental Statement. The MMP includes field maps showing where the manure would be spread, and states that storage and disposal would need to accord with Defra's Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

6.4.17 The MMP or Environmental Statement does not assess what the impacts of this indirect element of the proposed development would be, for example in respect of odour or ammonia emissions. Officers formally requested that this is provided in order to meet EIA requirements, however the MMP that has been submitted does not provide such an assessment. The Environmental Statement is therefore deficient in respect of this matter.

6.5 **Historic environment considerations**

6.5.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.

6.5.2 A Heritage Impact Assessment has been submitted. This suggests that the dominant heritage asset to be taken into consideration is the Scheduled Monument of Nesscliffe Hill Camp. It suggests that given the existing poultry unit, the screening afforded by the Nesscliffe bypass, and the restricted heights of the proposed buildings, the proposed development would have limited negative impact on views from this heritage asset. It states that any filtered views would be distant, and visual impact on the Scheduled Monument is assessed as being low adverse in the short term and negligible in the long term. It assesses the impact of the development on listed buildings and heritage assets at Kinton village as low adverse to negligible.

6.5.3 The Council's archaeologist concurs with the assessment of impacts on the hillfort. The Conservation Officer has recommended that landscaping is undertaken and this can form part of the decision notice if permission were to be granted.

6.6 **Traffic, access and rights of way considerations**

6.6.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.

6.6.2 Peak traffic movements to/from the site would occur during times when birds are removed from the site. This would take place over two 2-day periods during each 48 day crop cycle. This would commence at 0200 hours, and during the 0200 – 0700 night-time period there would typically be no more than two HGV movements per hour. The Environmental Statement states that on 27 days of the crop cycle, there would be no HGV movements, and there would be more than 2 HGVs per day on only 7 days of the crop cycle. The most HGVs on any one day would be 16.

6.6.3 The existing planning permission for the poultry farm states that the development shall not commence until details of the road widening of the public highway to the north of the site have been submitted, approved and implemented; and that a traffic routing plan has been agreed. The Council's highways consultant has raised concerns that the road widening works appear to have been completed without any formal approval of the Council as highway authority. Our consultant has advised that the principle of the

development is acceptable, but nevertheless there is a need to assess the completed road widening works and signage to identify if any remedial or further works are required.

6.6.4 It is considered that the proposed access to the farm is of an acceptable design and provides satisfactorily visibility for incoming and outgoing vehicles. The application proposes that HGV traffic would approach the site via the Wolfshead roundabout from the A5(T) to the north of the site and the former A5. This would avoid HGVs travelling through Kinton village. It is considered that this route is appropriate. However it is not considered that the application provides sufficient clarity on the number and type of vehicles that would be associated with the proposed development. In particular, the Environmental Statement states that manure removal is undertaken by tractor and trailer and depending on where the manure is spread these vehicles may only use field tracks and may not route onto the adjacent public highway. However based upon the figures included in the Manure Management Plan, 39% of the manure produced at the farm would be taken to anaerobic digester plants. These movements have not been quantified or assessed as part of the planning application.

6.6.5 It is considered that, if permission were to be granted, conditions could be imposed to require that matters relating to highway widening and HGV routing are satisfactorily resolved prior to the development being implemented. However it is not considered that the planning application has satisfactorily assessed the full traffic impacts of the proposal as it does not take into account the export of manure to anaerobic digestion plants.

6.7 **Ecological consideration**

6.7.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset. It states that in all cases, a hierarchy of mitigation then compensation measures will be sought.

6.7.2 Paragraph 175 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

6.7.3 The principal ecological issues relate to the direct impacts of the development on the ecological value of the area, and the indirect impacts due to the release of ammonia from the resultant poultry manure.

6.7.4 Direct impacts: The Ecological Impact Assessment submitted with the application suggests that the key impacts of the proposal would be from air pollution, and on foraging and commuting bats from the illumination of hedgerows in the construction and operation phases. The assessment states that enhancement measures would include the planting of native hedges along the eastern boundary of the site, and additional shrub and tree

planting in a group on a bund at the north-west of the site. It concludes that, following mitigation and enhancement, the environmental network would be enhanced.

- 6.7.5 Impacts from ammonia: The site lies within 10km of two internationally designated wildlife sites and within 5km of two nationally designated biological SSSIs. In addition there are seven non-statutory sites within 2km of the site. The Environmental Statement states that it does not need to provide an assessment of the impact of the development on designated sites. It states that airborne emission screening has been carried out by the EA as part of the determination of the Environmental Permit. It states that this screening assessment reported that emissions of ammonia or ammonia deposition from the farm would not be in excess of the relevant environmental threshold at any particular designated site, and that there would be no cumulative effect with any existing farms.
- 6.7.6 Officers do not concur with this. The proposed development has the potential to have a significant impact on the ecological receptors due to the release of ammonia, both directly from the building, in combination with other development, and also as a result of the spreading of manure onto farmland. In 2018 the Council issued an Interim Guidance Note “Assessing the impact of ammonia and nitrogen on designated sites and Natural Assets from new and expanding livestock units”. This recognises that, in the past, the Council has relied on national guidance and thresholds for ammonia published by the EA. It explains how the Council now assesses the impact of predicted ammonia emissions. The EA’s in-combination assessment, which is relied on by the applicant, uses a different methodology to that set out in the Council’s Interim Guidance Note, and includes different thresholds. Officers have discussed this Note, and the need for specific modelling, with the applicant. However no further information has been formally submitted. The Council’s ecologist has advised that, based upon the evidence submitted, the planning case officer cannot conclude that the proposed development will not have significant adverse effects on biodiversity under Development Plan and NPPF policy.
- 6.7.7 In addition to the above, Natural England has advised that the application could have significant effects on a number of designated sites. They have advised that an assessment of impacts is required, with details of proposed mitigation. An assessment of potential significant impacts is a statutory requirement of the EIA regulations. In the absence of this, officers consider that the Environmental Statement is deficient.
- 6.8 **Impact on water resources**
- 6.8.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.
- 6.8.2 The site is located within Flood Zone 1 (low risk of fluvial flooding) and the submitted Flood Risk Assessment confirms that risks from flooding are low. It is proposed that surface water from the site would be discharged into an existing attenuation swale located to the west of the development. This would be enlarged to increase its capacity to reflect the additional run-off from the proposed buildings. Additional attenuation would be provided by French drains to be constructed along the sides of the buildings. The FRA suggests that the residual impacts on the local water environment would be negligible. Wash water from the cleaning out of the sheds would be collected in underground tanks. The Council’s drainage consultant has confirmed that the proposed drainage scheme is acceptable and that detailed matters can be dealt with as part of a planning condition.

7.0 CONCLUSION

- 7.1 The proposal to constructed four additional buildings and nine feed bins at the existing poultry rearing unit at Kinton is Schedule 1 development under the Environmental Impact Assessment regulations. These regulations require that planning permission is not granted unless an Environmental Impact Assessment has been carried out. They state that EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development.
- 7.2 The proposed development has the potential to have a significant adverse effects on the environment. Satisfactory assessments of potential direct and indirect impacts from odour, noise, manure management, ammonia and transport have not been included in the Environmental Statement. The Environmental Statement does not meet the requirements of the EIA regulations and is deficient. The local planning authority is therefore unable to assess what the full impact of the development would be on the environment, and therefore whether the proposal can be supported in relation to Development Plan policy and other material planning considerations.
- 7.3 It is recognised that the poultry rearing operation does benefit from an Environmental Permit from the Environment Agency and that the Agency has advised that, through this, issues such as relevant emissions will be addressed. However, the focus of the planning process is on whether the proposed development is an acceptable use of land and this requires an understanding of what the land-use impacts are likely to be. The existence of an Environmental Permit does not obviate the need for an appropriate level of assessment to be undertaken as part of the EIA process, as required by the EIA regulations.
- 7.4 The proposal would provide economic benefits, including from the investment in the expansion of the existing business and the additional and sustained labour requirements which would result from the construction and operation of the development. Nevertheless it is not considered that these benefits would be sufficient to justify a grant of planning permission in view of the deficiencies of the current application.
- 7.5 In conclusion, on the basis of the above, officers recommend that planning permission should be refused.

8.0 Risk Assessment and Opportunities Appraisal**8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they

will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

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

MD8 - Infrastructure Provision
 MD12 - Natural Environment
 MD13 - Historic Environment
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

15/05462/EIA Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access GRANT 4th May 2016
 17/00504/FUL Erection of an agricultural workers dwelling and installation of septic tank WDN 27th June 2017

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) Councillor Gwilym Butler

Local Member Cllr Ed Potter

Appendices



<u>Committee and Date</u>
North Planning Committee
15 th October 2019

<u>Item</u>
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: 19/02949/REM	Parish:	Shrewsbury Town Council
Proposal: Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant of 17/01697/OUT for the erection of a four storey development providing 43 apartments (some affordable); car parking provision		
Site Address: Proposed Residential Development Car Park And Premises Old Coleham Shrewsbury Shropshire		
Applicant: Mr W Sidell		
Case Officer: Jane Raymond	email:	planning.northern@shropshire.gov.uk

Grid Ref: 349790 - 312220



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Recommendation: Grant Permission subject to the conditions set out in Appendix 1 and any other conditions recommended in the schedule of additional representations to follow.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to Reserved Matters (access, appearance, landscaping, layout and scale) pursuant to outline planning permission 17/01697/OUT for the erection of a four storey development providing 43 apartments.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located close to the English Bridge in Coleham near Shrewsbury town centre. North of the site is the Rea Brook, to the east the main Shrewsbury to Hereford railway line, to the south a mix of houses and immediately to the west the Seven Seas public house.

2.2 The site currently contains a 60 space car park and car valet business over the majority of the site with a disused factory in a state of disrepair and further car parking located on the remainder of the site

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 has submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **Environment Agency:** We have no further comments to offer on this Reserved Matters application and would reiterate our previous response.

4.1.2 **Historic England:** On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.1.3 **SC Historic Environment (Archaeology):** We understand that, whilst the number of units has been reduced and the elevational designs amended from outline stage, the footprint of the building remains unchanged. Further, we note Condition 7 of the outline planning permission (ref. 17/01697/OUT). We therefore have no further comments to make on this application with respect to archaeological matters.

4.1.4 **SC Trees:** The EA requires that the river bank be re-profiled to increase flood

capacity. The existing trees on the river bank would not survive this treatment and thus it was requested that they be allowed to remove them. As they are not particularly significant in terms of their amenity value, no objection to the work providing that some replacement planting is provided, which can be done under the planning application. No comments have been received about the tree removal (application 19/04001/TCA).

- 4.1.5 **SC Ecology:** I am satisfied that the information submitted is sufficient to discharge conditions 10 - 14.
- 4.1.6 **SC Parks and Recreation:** Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.

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

Currently the site design plan does not identify any POS provision and therefore it does not meet the MD2 policy requirement. The site must be redesigned and altered to meet the policy requirements.

- 4.1.7 **SC Learning and Skills:** Forecasts that the proposed development, along with other development proposals in the vicinity will impact on future schooling requirements in the catchment area. The local primary school, Coleham, is currently at capacity as is the local secondary school. Learning and Skills will continue to monitor the impact of this and future housing applications and developments in the area. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. It is recommended that any increased capacity as a result of this development is met from contributions that are secured via CIL funding.
- 4.1.8 **SC Regulatory Services:** A report by georisk Management; GeoEnvironmental Assessment; Land to the North of Old Coleham, Shrewsbury, Shropshire; Report No. 19042/1, dated May 2019 FINAL has been submitted in support of the discharge of condition 5a on planning permission 17/01697/OUT dated 12th February 2019.

Regulatory Services has identified the site as potentially contaminated land as part of the site can be dated back to at least 1915 when a Motor Garage was erected (Strefford's Garage Limited and subsequently J.J. Jones, Coleham Garage). Petrol was dispensed from a road side pump near to the boundary with No.9 Old Coleham.

The Heritage Impact Assessment Report No. 1508-5 revised in July 2018 submitted with the outline application references the removal of two petrol tanks from the entrance to the garage circa 1960 when the adjacent terrace houses were demolished, and the rubble spread across the surface to form a car park. The Shropshire Council Historic Environment Archaeology Service Report dated August 2017 references the removal of petrol tanks from the entrance to the garage in the 1990's.

Irrespective of when the tanks were removed the site investigation by georisk has not targeted the area of fuel storage and Regulatory Services does not have any information on the removal of the tanks or any validation undertaken at the time. In 1998, planning permission was granted for alterations in connection with the use of existing car workshop, exhaust and tyre fitting building for the manufacture, storage and sale of timber products.

BH05 was the nearest sampling point to the former petrol tanks which is where the highest TPH concentration was recorded, albeit at a depth of only 0.5m, which is well above the base of any underground tanks. In addition, the former Dulux Warehouse building occupies the eastern part of the site and has not been investigated.

Accordingly, at the present time Regulatory Services considers that there are gaps in the site investigation and further investigation is required (following demolition of buildings) in the area of former petrol tanks (to include speciated hydrocarbon analysis) and in the area of the former Dulux Warehouse and therefore is unable to recommend discharge of condition 5.

- 4.1.9 **SC Waste Management:** No further comments on approval of reserved matters. Access to communal bin store and waste vehicle turning has been accommodated.
- 4.1.10 **WSP on behalf of SC Highways:** In order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted by the applicant:
- Parking – there is an allocation of 57 car parking spaces to serve the apartments with the spaces numbered, as seen on drawing 1838_PL_02. Can the applicant advise whether the intention is to allocate the spaces. The reason for this request is that there are spaces that would be unobtainable, if a vehicle is in the space on their approach. The spaces relevant to this are 6, 8, 44 to 54 inclusive.
 - Visitor parking - how will this be managed and what is the allocation. Signage and surface markings seem appropriate.
 - Cycle Storage –there should be sufficient cycle storage for one cycle per apartment. These should be unallocated but will allow for sufficient spaces to encourage the use of sustainable transport (the cycle).
 - Access – Construction details of the access and egress points are required. To include the details of any vehicle crossing of the footway areas within the public highway. Where radius kerbs cross a footway, tactile paving needs to be shown.
 - Footway fronting the development - Construction details of the widened footway area should be submitted. Is all the frontage to be allocated as available to the public.
 - Refuse Collection – the position of the refuse bins indicates that the refuse vehicle will be expected to stand on the highway whilst the bins are gathered, emptied and returned to the building, this operation will take some time. Can the applicant describe how the operation of the refuse collection is expected to proceed, to include

vehicle tracking of the refuse vehicle approach and departure.

- 4.11 **WSP on behalf of SC Drainage:** The proposed drainage details, plan and calculations should be submitted for approval before the buildings are occupied as per Drainage Condition 9 on Outline Application 17/01697/OUT.

In the FRA under Outline Application 17/01697/OUT, the restricted flow rate from the site is 5.0 l/s but in the design calculations, a restricted flow rate of 19.90 l/s has been used. Please clarify. On brownfield site, drainage calculations to limit the proposed discharge, for the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event as in accordance with the Non- Statutory Technical Standards for Sustainable Drainage Systems dated March 2015 should be submitted for approval.

The number of apartments have been decreased from 48 to 43. A revised drainage details, layout plan and calculations should be submitted for approval.

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

4.2 - Public Comments

- 4.2.1 A site notice has been erected and all surrounding properties notified but no response has been received to this publicity.

- 4.2.2 Shrewsbury Civic Society: We have been concerned about this site for some time and were early contributors to the public consultation as well as responding with detailed suggestions to the Outline application in 2017. At that time we recognised the appropriateness of the site and several positive features of the proposal as well as some that could be improved.

Of concern was the density of the outline plan and the use of the site to its very extremities. The land in between the blocks had not been considered as community/public use and the roofline when viewed from the west indicated a building of substantial mass that is inappropriate for the area. Indeed, the sightlines provided were (and still are) from a very limited number of viewpoints.

It appears that the new design is of poorer architectural quality, with an increased use of cheaper, less durable finishes. The stated desire to create more “verticality and grounding” results in a taller aspect. Without further set back of the top floor, the roof line will continue to show as a dominant feature from the many parts of Shrewsbury which overlook it. (No further sightlines are provided.) Historic England noted the dominant size of the proposal within the Conservation Area to which it would provide some degree of harm, (albeit less than substantial). They were also concerned about its relationship with the Seven Stars Public House. These issues have, if anything, been exacerbated by this updated design. Several experts agree that the proposed building is too large.

Although slight, we note the footprint now allows more space before the brook, but this is insufficient. Furthermore, there is now very little planned to ‘green’ the site. The road facing aspect is now characterised by railings, so at ground level, it will still appear to be a car park and certainly there is very little for children. The number of flats is slightly reduced although we think there is scope for further reductions, whilst retaining the proportion of “affordable” homes. A better mix of unit sizes would also be welcomed.

As it stands, this application has too many difficulties to ensure its sustainability, in all three meanings, in the long run and we ask that it is re-negotiated or rejected.

4.2.3 Shrewsbury Town Council: The Town Council objects to this planning application on the following grounds:

- Members support the comments made by Shropshire Council Regulatory Services and would wish to receive confirmation that the Tier 1, 2 and 3 Environmental Assessments have taken place for the site and have been complied with in relation to the potentially contaminated land surrounding petrol tanks previously located on this site;
- Members also support the comments by Shropshire Council Parks and Recreation department and feel that the overall design and scale of this development requires suitable Public Open Space to be an integral part of the proposals;
- Members would like to see a full Environmental Assessment of this site.

4.2.4 Local member: I do feel that the final design should be a matter for committee as looking at Historic England’s response to the outline application:

If the local authority feels that a clear and convincing justification has been provided and are minded to approve this outline application, then great effort should be made to safeguard the final approach to design, materials and finishes through reserved matters.

Clearly, HE had concerns regarding this application that, while not amounting to full objection, meant that the visual impact of the design needs to be scrutinised at this stage.

Therefore I would like it to be brought to committee if possible.

5.0 THE MAIN ISSUES

The principle of development of this site was established at the outline stage and the main issues are the reserved matters (access, appearance, landscaping, layout and scale) and any other matters and details that were required to be submitted at the Reserved Matters stage by conditions attached to the outline planning permission.

6.0 OFFICER APPRAISAL

6.1 Appearance, layout and scale

- 6.1.1 Although at the outline stage all matters were reserved for later approval, detailed drawings of the proposed four storey apartment building were considered and floor plans and the Coleham Head elevation were included in the list of approved drawings.



Amended and approved elevation along Old Coleham

- 6.1.2 The approved drawing above had been revised to address earlier comments regarding the proposal including objections from the Town Council. The Town Council withdrew their objection to the amended proposal and commented as follows:

Further to the presentation of further amendments to this application, the Town Council is pleased to see that the applicant has addressed the Town Council's concerns about flooding, overbearing, height and car parking and consequently the Town Council is happy to withdraw its current objections to the scheme.

- 6.1.3 The report at the outline stage stated the following regarding the proposal:

The proposed built form also acknowledges the terrace form of the traditional street form with a rhythm and articulation on the front façade to imitate a terrace. The building has been stepped back at its boundary with the Seven Stars pub and the setback at the top floor and use of lighter materials and glazing allows for more intensive development on a sustainable site without affecting the character of the area. The extensive photographic analysis submitted with the plan has demonstrated that a building of this height will not be likely to affect the setting of listed buildings including the Grade I Abbey some distance away.

It is concluded that, while the scheme is in outline only, the indicative layout performs positively when assessed against relevant development plan policy (most notably CS Policies CS6 and CS17 and SAMDev Plan Policies MD2 and MD13) and would enhance the character and appearance of the conservation area. For the reasons given above, and contrary to the comments of Historic England, officers do not consider that this outline scheme would harm the conservation area.

- 6.1.5 As the scale and design of the building was considered acceptable at the outline stage the following condition was imposed to provide certainty for any future developers of the site:

Condition 4: Notwithstanding this permission being in outline, the development hereby approved shall be carried out generally in accordance with the approved plans and drawings in relation to height, massing and design.

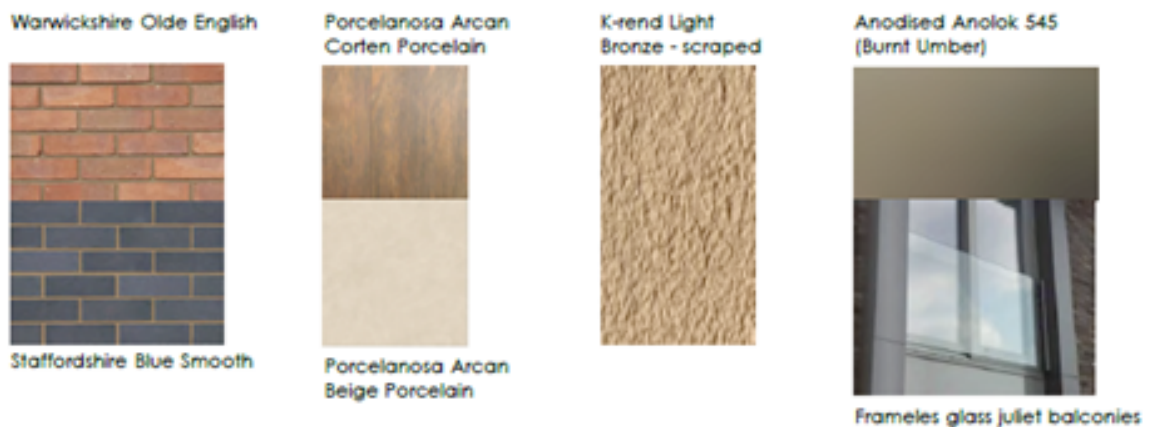
Reason: For the avoidance of doubt and to ensure that the development is carried out in broad accordance with the details provided and considered.

- 6.1.6 The submitted drawings are considered to ‘*generally accord with the approved plans and drawings in relation to height, massing and design*’. The submitted drawings of the elevations only vary slightly to the drawing originally approved in that a different palette of materials is proposed and the detail of the corner adjacent to the public house has been amended.
- 6.1.7 The reserved matters for determination include appearance, layout and scale, and officers consider that the scale of the proposal submitted (which includes the height and massing of the proposal and the amount of development) accords with what was approved at the outline stage. Although a detailed layout drawing was not approved detailed drawings of the floorplans for all four floors were submitted and approved and this therefore effectively determined the footprint of the building and the layout of the site.
- 6.1.8 The footprint of the building and the floor plans have remained generally the same. This includes car parking at ground floor and a landscaped area to the north adjacent to the Rea Brook and a central communal open space at first floor with private terraces for those apartments that face inwards. The open space continues up through the second and third floor and the top third floor apartments all have terraces that face outwards. The top floor is therefore set back which reduces the overall scale and bulk of the building.
- 6.1.9 Although the amount of open space provision is not in accordance with local plan policy the scale and density of development with a reduced amount of open space was agreed at the outline stage. Due to its location within walking distance of the town centre and the Quarry Park it was not considered necessary to provide the policy compliant amount of public open space and that more weight should be given to making effective and efficient use of this brown field site:

‘The new NPPF (paragraph 118) tells decision makers to give substantial weight to using suitable brownfield land within settlements for homes and to support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. It also directs Councils to promote and support the development of under-utilised land and buildings. The provision of up to 48 new homes in an accessible location in Shrewsbury will therefore make a modest contribution to meeting the town’s projected housing requirement while protecting open countryside on the fringe of Shrewsbury in time to come. Substantial weight must therefore be given to this benefit and other benefits associated with this including the provision of affordable housing at 20%.’

- 6.1.10 To provide the policy compliant amount of open space would require a significant re-design and substantial reduction in the number of homes including affordable homes. The S106 secures 20% affordable housing (8 of the 43 now proposed). A scheme to reduce the number of units would also reduce the number of affordable homes and potentially a request to vary the S106 as the provision of any affordable housing on a significantly reduced scheme would likely not be viable due to the development costs of developing this brownfield site.

- 6.1.11 With regards to appearance the proposal now includes the following palette of materials:



The Civic Society has commented that *'It appears that the new design is of poorer architectural quality, with an increased use of cheaper, less durable finishes'*. The proposed building is a contemporary building of the same design as previously approved and it is considered that the proposed materials are appropriate and would enhance the appearance of the building. The developer has confirmed that the materials proposed are more expensive than using traditional brick across the whole of the building as was previously indicated. The conservation and design officer has reviewed samples of the materials proposed and confirmed that they are acceptable.

- 6.1.12 A 3-D coloured visual should be available prior to committee and members will be updated with this along with comments from the Conservation Officer. The submitted drawings are considered to *'generally accord with the approved plans and drawings in relation to height, massing and design'* approved at the outline stage and as required by condition 4 attached to that permission. It is considered that the appearance, layout and scale of the proposed development is acceptable and will enhance the character and appearance of the locality and wider conservation area and would not impact on the setting of any listed buildings.

6.2 Landscaping

- 6.2.1 As referred to in paragraph 6.1.9 and 6.1.10 although not policy compliant it is considered that the reduced amount of open space provision in this instance is acceptable. There is an area of open space to the rear adjacent to the Rea Brook and the Tree officer has met with the agent on site to discuss this. The EA requires that the river bank is re-profiled to increase flood capacity, and that the existing trees on the river bank would not survive this. An application to remove these trees (19/04001/TCA) has been submitted and the tree officer has confirmed that they are not particularly significant in terms of their amenity value. There is no objection to their removal and the proposed landscaping will provide replacement planting and mitigation.
- 6.2.2 Conditions 10, 11, 12, 13 and 14 attached to the outline permission refer to submission of a Construction Environmental Management plan, a landscaping plan, a lighting plan, a plan for improvement to the watercourse and for re-grading of the

river bank and details for the provision of bat and bird boxes. The Council's Ecologist has confirmed that the details submitted are acceptable. It is considered that the proposed works and landscaping are acceptable and will improve the amenity of the area and provide ecological enhancement of the site.

6.3 Access

- 6.3.1 Access is the fifth and last reserved matter but again this was considered at the outline stage. Highways have requested additional information regarding the allocation of 57 parking spaces including visitor parking, cycle storage provision, construction details for the access and egress points and vehicular crossing of the widened pavement to the front and details of refuse collection and tracking for refuse vehicles.
- 6.3.2 The agent has provided drawings of the construction details for the footway and vehicular crossings which can be covered by conditions and will also be dealt with as part of the technical section 278 and/or section 38 approval. The submitted 'General Arrangements Plan' indicates the circulation and parking of a refuse vehicle and it is proposed that it will park at the end of the spur road serving the underpass. This should not cause an obstruction to the highway as the road from Old Coleham is one way and there will be sufficient room for vehicles to pass.
- 6.3.3 The agent has also confirmed that all parking will be allocated and where tandem parking is shown this will be for the use of a single apartment and that private and visitor parking will be allocated by signage and surface marking. As agreed at the outline stage it is considered that the level of parking is acceptable in this sustainable location within walking distance of the town. It is also considered sufficient when taking into account the findings of the Census data for the Belle Vue ward which recorded that nearly 73% of households either had no car or only one car.
- 6.3.4 With regards to cycle parking secure lockable cycle storage for 16 cycles and 12 non-allocated cycle spaces is provided at ground floor level and 14 large stores are provided within the building (7 at first floor and 7 at second floor level) which is a total of 42. The cycle storage provision is therefore considered acceptable.
- 6.3.5 Highways have been consulted on the additional information submitted and members will be updated prior to committee on their response and any highway conditions recommended. A travel Plan and a Construction Method statement are both already the subject of conditions 6 and 8 attached to the outline consent and will therefore not need re-imposing. Condition 15 also requires a scheme to provide for electric car charging to be submitted prior to commencement of development.

6.4 Other matters

- 6.4.1 Contaminated land – Regulatory Services have commented that there are gaps in the site investigation submitted and that further investigation is required (following demolition of buildings) in the area of former petrol tanks and in the area of the former Dulux Warehouse and therefore is unable to recommend discharge of condition 5. The Town Council have objected for this reason and have requested a full Environmental Assessment of this site. This needn't hold up the determination of the application as contaminated land investigation will be subject to a separate

discharge of conditions application.

- 6.4.2 Archaeology – The site has the potential to be of Archaeological interest and condition 7 remains relevant that requires the submission of a programme of archaeological work in accordance with a written scheme of investigation (WSI) to be submitted for approval prior to commencement.
- 6.4.3 Flood risk and drainage – The site is situated in flood zone 3 (the highest risk of flooding) and the sequential and exceptions test as required by the NPPF were carried out at the outline stage and conditions imposed to ensure that the development will be safe for its duration. Condition 17 requires that the finished first floor levels be set no lower than 54.0m AOD and condition 16 requires a Flood Evacuation Management Plan (FEMP) to be submitted prior to occupation. Condition 9 requires the submission of a surface water drainage scheme. Condition 9 and 16 will be subject to a separate discharge of conditions application.
- 6.4.4 Residential amenity – This relates to living conditions for future residents and the impact on existing residents and both were considered at the outline stage. It was considered that *'the relationship with the neighbouring properties to the south is acceptable'* and that *'The removal of a 60 space car park and commercial uses and their replacement with housing will improve the outlook for neighbours by introducing an active frontage with a compatible land use'*. Due to the proximity of the railway line it is considered necessary to impose a condition regarding noise attenuation to protect future residents from noise and vibration.

7.0 CONCLUSION

- 7.1 It is considered that the proposed development *'generally accords with the approved plans and drawings in relation to height, massing and design'* as required by condition 4 attached to the outline permission and that the appearance, layout and scale is acceptable and will enhance the character and appearance of the locality and wider conservation area and would not impact on the setting of any listed buildings. The finished first floor levels are above 54.0 AOD and a FEMP will be required to be submitted for approval. It is therefore considered that the development will be safe for its lifetime.
- 7.2 It is considered that the benefits of the proposal including improvement to the visual appearance of the site, re-profiling of the river bank to increase flood capacity, ecological enhancements, efficient use and remediation of a contaminated brownfield site and the provision of 43 homes of which 20% are affordable situated in a sustainable close to town centre location, outweigh the conflict with local plan policy with regards to the reduced amount of open space provision. In addition the proposal will make a substantial CIL contribution calculated on the floor area of the proposed four storey building.
- 7.3 Having regard to the above it is considered that the proposal accords with the most relevant Core strategy and SAMDev policies CS6, CS11, CS17, MD2, MD12, MD13 and S16 and regard has been given to preserving or enhancing the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into

account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

CS1 - Strategic Approach

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS8 - Facilities, Services and Infrastructure Provision

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 – Sustainable Water Management

CS19 - Waste Management Infrastructure

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 – Historic Environment

Settlement: S16 - Shrewsbury

SPD Type and Affordability of Housing

SPD Developer Contributions

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

17/01697/OUT Outline Application for the erection of four storey development including 48 mixed accommodation apartments 48 car parking spaces together with a delivery vehicle space including affordable housing and starter homes (all matters reserved) (REVISED APPLICATION) GRANT 12th February 2019

11. Additional Information

List of Background Papers

19/02949/REM - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PTZ6OPTDFV000>

Cabinet Member (Portfolio Holder): Councillor Gwilym Butler

Local Member: Cllr Kate Halliday

Appendices

APPENDIX 1: Conditions

APPENDIX 1

Conditions**STANDARD CONDITION(S)**

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

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

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

2. All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

3. Prior to above ground works commencing details of a scheme for the insulation of the building in respect of noise and vibration including the glazing and ventilation specification for the east facing elevation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the building and shall thereafter be retained and maintained.

Reason: To protect the amenities of occupiers from potential noise and vibration from the adjacent railway line



Committee and Date
 North Planning Committee
 15th October 2019

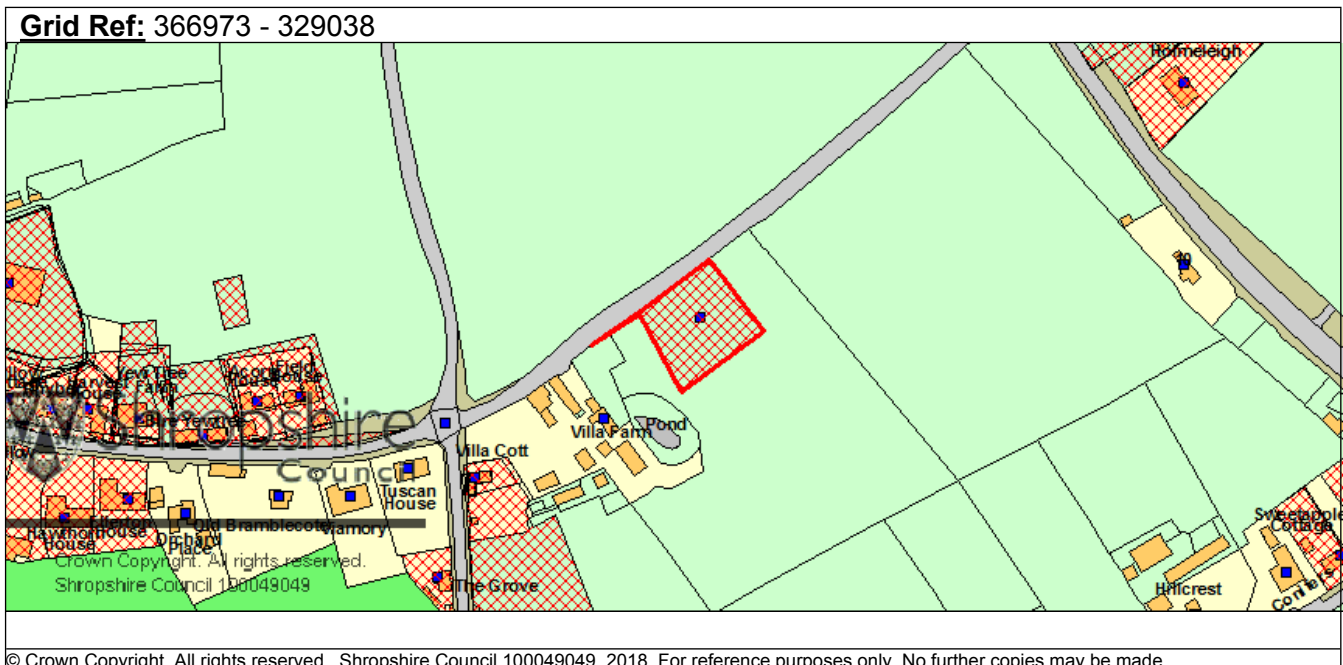
Item
8
 Public

Development Management Report

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

Summary of Application

Application Number: 19/02855/REM	Parish:	Stoke Upon Tern
Proposal: Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant of 14/04785/OUT - Erection of 1 detached local need dwelling including construction of new vehicle access		
Site Address: Land East Of Villa Farm Wistanswick Market Drayton Shropshire		
Applicant: Mr Roberts And Miss David		
Case Officer: Jane Preece	email: planning.northern@shropshire.gov.uk	



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

REPORT

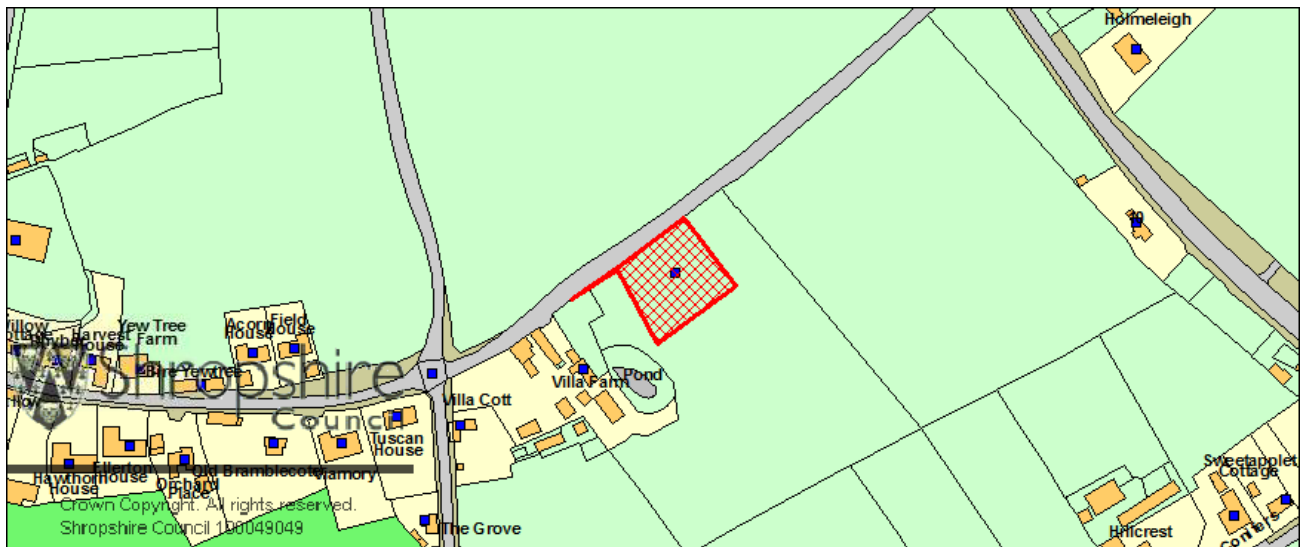
1.0 THE PROPOSAL

- 1.1 Outline planning permission was granted for the following on 7th February 2017 under application reference 14/04785/OUT: '*Outline application for the erection of 1 detached local need dwelling including construction of new vehicle access (access for approval)*' – land east of Villa Farm, Winstanswick. Access was for approval at that time. However, under condition 1 of the outline permission access arrangements were also listed as a reserved matter.
- 1.2 The current application seeks 'Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant of 14/04785/OUT - Erection of 1 detached local need dwelling including construction of new vehicle access' on land east of Villa Farm, Winstanswick.
- 1.3 The proposal details a two storey 3 bedroomed dwelling, not exceeding the 100 sq m threshold for affordable dwellings, together with a detached, double garage with lean-to log/bin store. The dwelling is rectangular in footprint, with a single storey utility/wc addition to the north east side elevation and a chimney to the south west elevation. The front elevation faces the road and details a double fronted dwelling with a central open porch of timber, with dwarf brick walls and a tiled roof. The external building materials for the dwelling are detailed and include Imerys Phalempin weathered clay plain tiles, Wienerberger Kempsey antique facing bricks and cream upvc windows. The garage is shown of timber construction and cladding under a tiled roof.
- 1.4 The dwelling is to be set back on the site, with the garage positioned to its north east side. The property will be served by a parking and turning area to the frontage and an access positioned centrally within the road frontage.
- 1.5 Landscaping comprises the retention of a mature roadside oak tree and the roadside boundary hedge, except that needed for removal to accommodate the new access and associated visibility splay. New indigenous hedging will be planted behind the visibility splay and to all site boundaries.
- 1.6 Foul drainage will be disposed of to a Bio Pure 3 sewage treatment plant and associated irrigation field within the site. Surface water will be disposed of to soakaways.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed development site sits in the open countryside, immediately to the east of Winstanswick. The nearest neighbouring property, known as Villa Farm, lies to the south west:

2.2



3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have expressed a view (objection) contrary to the views of officers (support). The Principal Planning Officer in consultation with the relevant Committee Chairman/Vice Chairman consider that referral of the application to the Planning Committee is warranted owing to concerns from Parish Council in relation to surrounding street scene which will need to be assessed via a site visit.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 **SUDS** - The proposed surface and foul water drainage are acceptable.

4.1.2 **SC Affordable Homes** – Provide the following comments:

- Satisfied Miss David and Mr Roberts qualified for the 'build your own' affordable housing scheme and sent them a letter with this information on 23rd October 2018.
- Have checked the plans and are satisfied the house meets the criteria of being less than 100sqm.
- Garage - Impose a condition to ensure it remains as garaging and incidental needs and not used for additional living accommodation etc.

4.1.3 **SC Trees** – Re-consultation comments: The revised plan has taken into account previous tree comments. Can now support the application including the removal of the defective Ash tree replaced by 1 Lime tree in the garden of the proposed property.

4.1.4 **SC Highways** – Re-consultation comments: No objection, subject to development being constructed in accord with drwg W19/2616/P01 Rev D.

Note condition 6 attached to outline 14/04785/OUT has yet to be discharged.

4.1.5 **SC Ecology** – I am satisfied with the proposed landscaping.

4.2 Public Comments

- 4.2.1 **Stoke upon Tern Parish Council** – Original comments: **Object** as the Parish Council feel that the elevation of the land will mean that the proposed design will be significantly higher than adjacent properties, and a lower ridge line could be less dominant. Also the field is 1metre higher than the Lane at the proposed access point but no detail is offered to show how the adjacent tree and hedges will be protected from any damage resulting from the regrading that will be necessary to provide a safe access.
- 4.2.2 Re-consultation comments: The Parish Council wishes to **maintain its objection** to the design of the property and feel that the Street Scene elevation prepared by the Applicant clearly demonstrates that the dwelling will be significantly higher than the nearby properties and a lower roofline would be necessary to ensure that the building sits more comfortably within the village setting. The Parish Council also still feel that the substantial change in level between the road and the building plot has not been properly addressed by this Application.
- 4.2.3 **Public representations** – None received.

5.0 THE MAIN ISSUES

- Reserved matters - access, appearance, landscaping, layout and scale

6.0 OFFICER APPRAISAL

6.1 Layout, appearance and scale

- 6.1.1 No objections have been raised to the siting and layout of the dwelling within the plot or the general design and appearance of the dwelling and garages structures themselves. However, the Parish Council have raised a specific objection in relation to design; in that they consider that, due to the elevation of the land, the height of the ridgeline will have a dominant impact within the village setting. They feel the street scene submitted demonstrates that the proposed '*... dwelling will be 'significantly higher than the nearby properties ...'*' and they consider a lower roofline is '*...necessary to ensure that the building sits more comfortably within the village setting. ...'*
- 6.1.2 Whilst it is acknowledged that the street scene may show the new dwelling sitting higher than the nearest adjoining dwelling, the agent considers that the Parish Council have failed to give due regard to the considerable distance between the properties, coupled with the fact that the proposed dwelling sits well back from the road. He feels this factor of perspective (which does not translate on a flat drawing) has not be recognised. To give some context to this, the proposed dwelling is to be set back around 19 metres from the road, whereas the existing neighbouring dwelling directly abuts the road. Further, there is a separation distance of approximately 37 between the dwelling and the outbuilding associated with the neighbouring dwelling. As regards heights and land levels, the ridge height of the proposed dwelling is 7.5 m. The ridge height of Villa Farm ranges from approximately 6.5 m to 7.12 m due to the fall of the road. The application site sits 1 m above the road. Villa Farm is built in line with the road level. The road level falls in south westerly direction past Villa Farm, such that the difference in levels between the site and Villa Farm is around 2.5 m. The members will have the opportunity to assess the physical characteristics of the site and its relationship to neighbouring development when they visit the site.
- 6.1.3 Further, the suggestion by the Parish Council that the roofline should be lowered to reduce

the visual impact has been noted. However, in response the agent has made the point that that reducing the ridgeline is not an economic option. The application is for an 'affordable' local need dwelling. Reducing the ridgeline will necessitate the introduction of dormer features which will increase build costs.

6.1.4 Taking all the above into consideration, it is the view of officers that the height of the ridgeline of the dwelling as currently proposed will not impact on the character and appearance of the locality, including the neighbouring built context, so adversely as to warrant refusal of the application.

6.2 Access and impact on trees

6.2.1 As originally proposed the access was positioned between two roadside boundary trees; ie an oak to the north east and an ash to the south west. The access proposals attracted concerns from the Council's Highway advisor, the Parish Council and the Council's Tree Officer.

6.2.2 The concerns from the Highway advisor cited that the access apron was too short in length to provide a passing place (a requirement of the outline) and required the plans to be amended to provide a minimum length of 6 metres excluding tappers.

6.2.3 The concerns from the Parish Council and the Tree Officer related to the potential of the proposed access to impact on the trees. Having visited the site and inspected the trees the Tree Officer found the ash tree to be defective, with decay present. Her advice was therefore that the ash tree could be removed to enable the access to be moved outside the RPA of the oak tree and a new tree added to the scheme in mitigation.

6.2.4 In response to the concerns amended plans have been received. The amended plans follow the advice of the both the Council's Highway advisor and Tree Officer, such that both are now supportive of the application as amended. The amended plans show the access apron layout revised to provide a passing opportunity within the road. Further, the access has been relocated slightly further to the south west within the site frontage, with the defective ash tree now shown as to be removed and a replacement ash tree to be provided within the front garden of the proposed dwelling.

6.2.5 Despite the amendments, the Parish Council have submitted re-consultation comments of continuing concern. However, it appears that this concern (as quoted in paragraph 4.2.2 above) now focusses on the difference in land levels between the road and the plot and the associated visual impact.

6.3 Landscaping

6.3.1 Landscaping proposals are considered acceptable.

6.3.2 As discussed above there were initial issues with the roadside trees. As a consequence and following the advice of the Council's Tree Officer a roadside ash tree that was in poor condition is now to be removed and a new ash tree planted within the site to replace the loss. This mitigation is acceptable and has also allowed the relocation of the access to give greater clearance and protection of the roadside mature oak. The Council's Tree Officer is satisfied with the revised proposals.

6.3.3 Otherwise, the landscaping is simple and considered appropriate for the rural area. The site will be enclosed with timber post and fencing and indigenous species hedging.

7.0 CONCLUSION

7.1 On balance, officers consider that the proposal, as amended and supported by additional information, is now acceptable and planning policy compliant. Approval is therefore recommended, subject to the imposition of the conditions listed in the appendix below.

7.2 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS5, CS6, CS9, CS11, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD2, MD7a, MD12 and S11; the Council's SPD on the Type and Affordability of Housing and the National Planning Policy Framework published February 2019.

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

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

Settlement: S11 - Market Drayton

SPD Type and Affordability of Housing

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

14/04785/OUT Outline application for the erection of 1 detached local need dwelling including construction of new vehicle access (access for approval) GRANT 7th February 2017

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)
Councillor Gwilym Butler

Local Member

Cllr Karen Calder

Appendices
APPENDIX 1 - Conditions

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

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

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

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

2. The external building materials for the proposed dwelling shall be as specified on the approved plans. As regards the proposed garage, the roofing materials shall be as specified for the proposed dwelling. Otherwise, as no details have been submitted, no cladding shall be applied/installed to the external walls of the garage unit samples and/or full details of the cladding, to include the finish. have been 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.

3. All hard and soft landscape works shall be carried out in accordance with the plans hereby approved. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. Any trees, hedging or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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

4. The garage hereby approved shall not be used for any purpose other than those incidental to the enjoyment of the dwelling hereby approved but not including use as living accommodation.

Reason: To enable the Local Planning Authority to retain control over the scale and use of development at the site in accordance with adopted planning policies for local need affordable dwellings.

-



Committee and Date

North Planning Committee

15th October 2019

Item

9

Public

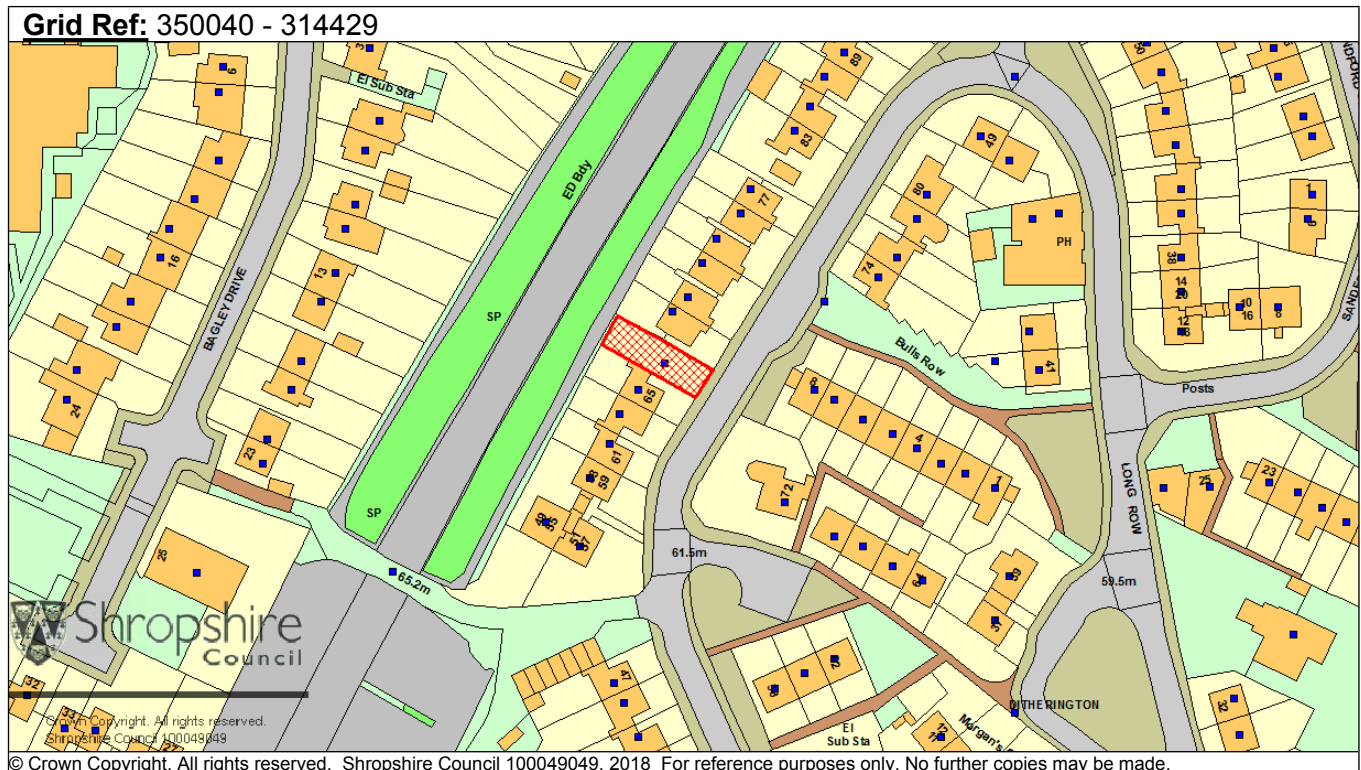
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 19/03506/OUT	Parish: Shrewsbury Town Council
Proposal: Outline application (All Matters Reserved) for the erection of 1no dwelling	
Site Address: Proposed Dwelling To The North Of 65 White House Gardens Shrewsbury Shropshire	
Applicant: Mrs Jane MacKenzie	
Case Officer: Shannon Franklin	email: planning.northern@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission for a single open market dwelling. All matters have been reserved for consideration in the subsequent reserved matters application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within Ditherington to the north of Shrewsbury town centre. The site currently forms part of the garden of No.65 White House Gardens, the dwelling which forms the sites southwestern boundary. To the north western is No.67 White House Gardens a semi-detached dwelling. The sites access is form the southeast side from the highway White House Gardens and to the rear, northwest boundary is a railway line.
- 2.2 In a wider context the site is bounded in all directions by residential development. The sites boundaries are currently formed of a mix of brick walls and metal fencing.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' and therefore a committee decision is necessary.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Shrewsbury Town Council – 08.08.2019 – Neutral

The Town Council has no objections to the principle of development of this site, but Members have concerns that the proposals represent an over-development on such a narrow plot. Members also expressed concerns in relation to the size of the proposed property and its viability

4.1.2 SC SUDS – 15.08.2019 – No Objection

Conditions and informative recommended.

4.1.3 SC Highways – 02.08.2019 – Conditional Acceptance

The proposal seeks outline consent with all matters reserved for the development of a single dwelling on land to the north of 65 White House Gardens, Shrewsbury. It is considered that the proposed development would be acceptable from a highways perspective, subject to the access and parking being commensurate with the local conditions and highway safety.

4.1.4 SC Affordable Housing – 21.08.2019 – No objection.

The proposed development falls below the threshold by which the Local Authority is able to require a contribution towards affordable housing.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site. Additionally, the residents of four neighbouring properties were individually notified by way of publication. At the time of writing this report, no representations had been received in response to this publicity.

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Siting, scale and design of structure**
 - **Highways and access issues**
 - **Drainage issues**
 - **Ecological issues**

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Core Strategy Policy CS2 states that a comprehensive and co-ordinated approach will be pursued to the planning and development of Shrewsbury. The approach integrates elements of housing, economic, transport, community and environmental policy, and will enable the town to achieve a significant level of housing and economic growth linked with infrastructure improvements, whilst protecting and enhancing the town's role, character and the unique qualities of its historic built and natural environment. Shrewsbury will provide the primary focus for development for Shropshire, providing approximately 25% of its additional housing for the period 2006-2026 (approximately 6,500 dwellings - 325 dwellings per annum).

6.1.2 SAMDev policy MD1 states that further to the policies of the Core Strategy, sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy, including the amount of housing and employment land in Policies CS1 and CS2. Sustainable development will be supported in Shrewsbury, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development. In this regard, the creation of 6 additional dwellings within the development boundary of Shrewsbury is considered acceptable and the LPA does not object to the principle of development.

6.1.3 The development will be situated in an established residential area within the urban development boundary of Shrewsbury. It is close to essential services and facilities that could be accessed by foot or by cycle and the Town Centre is readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and the Shropshire LDF Policy CS2.

6.1.4 In terms of the site layout and design of the proposal Shropshire Core Strategy

Policy CS6: Sustainable Design and Development Principles; seeks to ensure development is sympathetic to the size, mass, character and appearance of the surrounding area and additionally Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan seeks to achieve local aspirations for design where possible.

- 6.1.5 Section 12 of the National Planning Policy Framework; Achieving well-designed places, reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
- 6.1.6 Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
- 6.1.7 Due to the size of the development the applicant is not required to pay an Affordable Housing Contribution as per Policy CS11 of the Core Strategy, however the development will be liable for a Community Infrastructure levy.

6.2 Siting, scale and design of structure

- 6.2.1 The application form states that this is seeking outline permission only, with all matters reserved for a later stage. As such, appearance, layout, landscaping and scale are to be considered at Reserved Matters stage. Upon the submission of this application, any proposal will need to ensure that the surrounding character and context has been taken into consideration, in order to be fully compliant with all relevant policies including CS6 and MD2.
- 6.2.2 The application site has an area of approximately 155m² and is sited between two existing dwellings. The plots overall width is 7.2m whilst the gap between the two existing dwellings measure at their principle elevation is around 10.0m. It is recognised that the application site is compact however it is not considered that an appropriately proportioned dwelling would be unacceptable on site taking in the context of the surrounding development.
- 6.2.3 The majority of plots to the north have a width measured at the road frontage of between 7.2 and 6.3m and the dwelling principle elevations are 6.3m in width. Resultantly the application site is capable of accommodating a dwelling of a similar proportion within it appearing demonstrably out of context, subject to appropriate design and detailing.

6.3 Highways and Access Issues

- 6.3.1 Similarly to the above, all access issues are to be dealt with at a later stage. However, upon submission an indicative plan was submitted to the show the possible access arrangements from the highway forming the southeast boundary and up to 2no. parking spaces to the front of the dwelling. Following consultation with the Highways Authority these are considered to be acceptable subject to conditions being attached to any decision notice.

6.4 Drainage Issues

6.4.1 Shropshire Core Strategy Policy CS18: ‘Sustainable Water Management’ states that developments should integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity within Shropshire. This site is not within any Flood Zone, and following consultation with SC SuDS Team it is apparent that the site raises no concerns in relation to drainage issues, subject to the applicant provision of full details of the foul and surface water scheme to be implemented on site, utilising sustainable water management where possible.

6.5 Ecological Issues

6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Policy MD12 of SAMDev further supports the principle of protecting and enhancing the natural environment. However, the Council’s Natural Environment team has a requirement for certain developments meeting triggers would require the submission of additional reports/surveys; this application meets none of these triggers as the site currently occupies existing residential curtilage with no habits or features of ecological value, as such no issues arising from an ecological inspection.

7.0 CONCLUSION

7.1 The proposal for the development of a single open market dwelling is considered acceptable. Whilst the site is of a modest scale the plot shape and width is in context with neighbouring properties and an appropriate designed and detailed dwelling would be acceptable. The site is located within the development boundary of Shrewsbury and is therefore considered to be sustainably located within easy reach of services and facilities. As this an outline application only, a reserved matters application will be required in which additional matters will be considered; namely access arrangements, design and landscaping. The proposal is compliant with all housing policies contained within the Shropshire Core Strategy, the SAMDev Plan and the National Planning Policy Framework; as such it is recommended that permission be **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:**

National Planning Policy Framework

Core Strategy and Saved Policies:

CS1 - Strategic Approach
 CS2 - Shrewsbury Development Strategy
 CS3 - The Market Towns and Other Key Centres
 CS4 - Community Hubs and Community Clusters
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 CS11 - Type and Affordability of housing

MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

19/02302/OUT Outline application (all matters reserved) for the erection of 1no dwelling
 APPRET

19/03506/OUT Outline application (All Matters Reserved) for the erection of 1no dwelling PDE

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Alan Mosley
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. With the exception of the application site boundary outlined in red, nothing in this permission shall be construed as giving approval to the details shown on the drawings accompanying this application, as such details are intended for illustration purposes only.

Reason: To define the permission and to retain planning control over the details of the development.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development shall take place until details of the means of access, including the layout, construction and sightlines 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.

6. No development shall take place until details for the parking of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

7. No development shall take place until a scheme of 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.

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

8. Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. a) 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

b) 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.

3. a) 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. 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.

b) 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.

c) 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.

d) 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.

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Committee and Date
 North Planning Committee
 15th October 2019

Item
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 Public

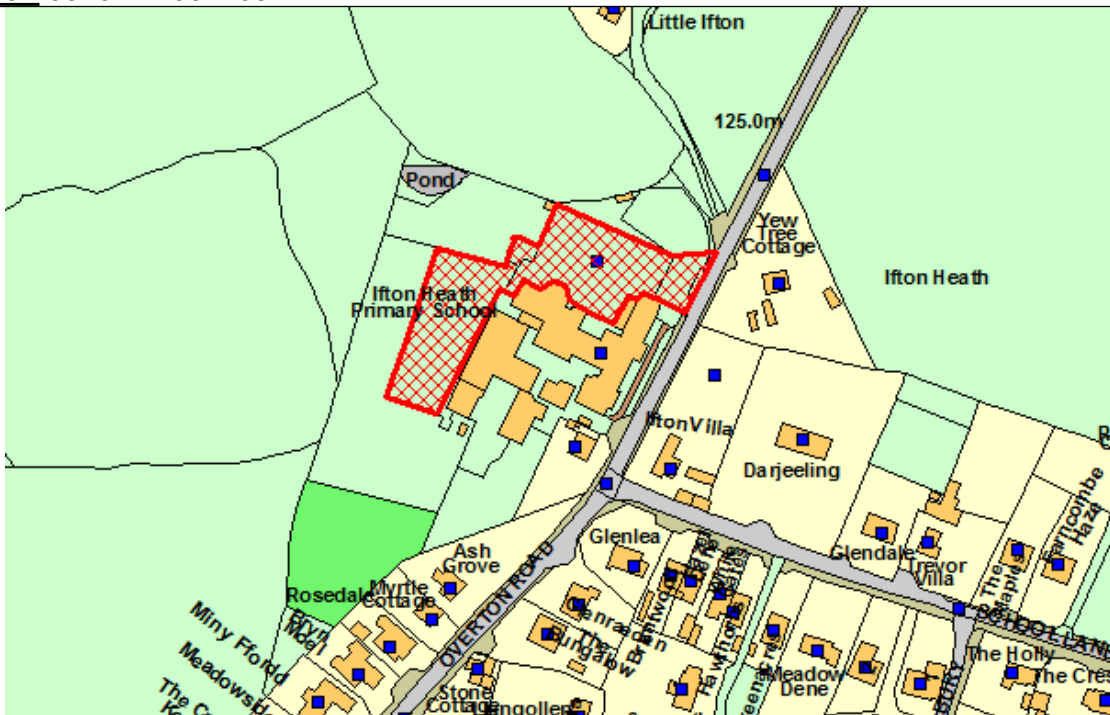
Development Management Report

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

Summary of Application

<u>Application Number:</u> 19/03373/VAR	<u>Parish:</u>	St Martins
<u>Proposal:</u> Variation of Condition No.1 attached to permission 18/01959/VAR to allow for the family to remain on site for a further temporary period of up to nine months		
<u>Site Address:</u> Former Ifton Heath Primary School Overton Road Ifton Heath St Martins Shropshire		
<u>Applicant:</u> Shropshire Council		
<u>Case Officer:</u> Mark Perry	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 332617 - 337165



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks consent for variation of condition 1 of planning permission 17/01959/VAR, this is the latest in a series of variations to the original planning numbered 15/00537/FUL. The original condition 1 restricted the use of the site by Travelling Show people for siting of caravans for a period of 12 months. The first variation permission numbered 16/02096/VAR provided a further 9 months for the site's occupation, the second then requested an additional 12 months under application numbered 17/01284/VAR and a third application numbered 18/01959/VAR added another 12 months. This current application now seeks consent to extend the time period again for a further 9 months.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site consists of the hard surfaced play area and grassed field to the north and west of the school buildings at Ifton Heath Primary school which is no longer used and has been out of use since the closure of the school. The caravans and associated vehicles have been sited on the hard standing since 2015. No structures or additional hard surfacing is proposed.

2.2 Ifton Heath school lies on the northern edge of the village of St Martins with existing housing to the east and south, a business to the north and agricultural land to the west and beyond the housing and business to the north and east. The school is made up of a variety of buildings with the roadside building being single storey, brick and tile with multi-pitched roofs. The hard surfaced play area is to the north of this building and is enclosed with green mesh fencing.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The minutes of the North Planning Committee meeting dated 12th May 2015 required any application for extension to the temporary period being considered at that time to be determined by the North Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 **St Martins Parish Council** – No response at time of writing report. .

4.2 **Police**- no objections

4.3 **Gypsy and Traveller Service**- no objections

4.2 Public Comments

4.2.1 No representations received at time of writing report.

5.0 THE MAIN ISSUES

- ☐ Policy & principle of development
- ☐ Suitability of proposed site
- ☐ Layout of site
- ☐ Impact on local area and neighbours amenities
- ☐ Access and highway issues

- ☐ Drainage
- ☐ Other matters

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

- 6.1.1 This application is to extend the use of a temporary site for a single family of travelling show people for a further period of up to 9 months, which is in addition to the four previously approved consents which total 45 months. Travelling show people are defined in the Planning Policy for Traveller Sites (PPTS) (2012) as being:
“Members of a group organised for the purpose of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or family’s or dependant’s more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently but excludes Gypsies and Travellers” (as these are defined separately).
- 6.1.2 The principle of the use has been accepted by the granting of the original 12 month consent and the subsequent extensions to further increase the time period. The key issue is therefore whether a further 9 month occupation would be unacceptable.
- 6.1.3 The status of the Stokes family as travelling show people was also accepted as part of the previous consents. The original permission was specific to Mr Stokes and his family which consist of his wife, brother and two sons and their families. The accommodation requirements are therefore 5 caravans and therefore the 4 plots proposed for travelling show people within the North West of Shropshire within policy CS12. It is considered that there is an identified need for the site for Mr Stokes and his family and that no further evidence is required of need. Furthermore, no questions have been raised about the status of Mr Stokes and his family as travelling show people who prior to moving to their current site had been living on the land adjacent to the Smithfield Livestock Market in Oswestry for a number of years but had to relocate due to approval being granted for the re-development of the site.
- 6.1.4 Members may have concerns that the previously granted consents were meant to allow the Council time to pursue an alternative site for permanent occupation and that the applicant is now seeking a further 12 months. Alternatives are being considered by the Council with a view to finding the Stokes family a permanent site, however further time is required. Members should be reassured that alternatives are still being sought and there is no intention for there to become permanent occupancy of the Ifton Heath school site. In addition to the above the former Ifton Heath Primary School is one of two sites that the Council will transfer to Cornovii Developments Ltd which is the recently created housing development company wholly owned by the Council, with the view to developing the site to address unmet housing need.
- 6.1.5 The site is one of the preferred allocations identified as part of the Local Plan Review process with an approximate capacity of 35 dwellings.

6.2 **Suitability of proposed site**

- 6.2.1 The application site is on the edge of St Martins using part of the ground of the former Ifton Heath Primary School. For planning purposes the site is considered to be countryside as it lies outside, yet adjacent to, the development boundary for St Martins. However, policy CS12 (Gypsy and Traveller Provision) supports development for this use close to the Community Hubs and Clusters such as St Martins. The policy does not prevent or resist this form of development outside of the development boundaries. Policy CS5, which controls development in the countryside, provides an exception for housing which is to meet an identified need, including the needs covered by policy CS12.
- 6.2.2 The site is adjacent to the primary school buildings and opposite existing housing. Although it is on the edge of the built development it is not considered to extend the village into the open countryside. There is an established hedge boundary around the school boundaries and the application site does not extend beyond the hedge. The proposal is for the continued siting of the caravans and associated vehicles on the hardstanding which was previously used as the school playground. The use of this part of the site means that no further hardstanding is required and therefore no built development is required to enable the occupation of the site for a further 12 months.
- 6.2.3 Although this does mean that the caravans and associated vehicles are visible from the Overton Road, which runs past the site, they have been located at the rear of the hardstanding and as such are set back into the site. It is Officers opinion that the layout has been undertaken in an appropriate manner which provides security and natural surveillance of the site and access and as such is acceptable and does not result in any significant harm to the character of the area.
- 6.2.4 The fairground equipment spends most of the year being moved from fair to fair and it is not within the occupier's interest to have equipment sat around unused and not making money. As such it is likely that for the majority of the time that there will not be any fair equipment on site. Although some equipment will occasionally be on site this is not a regular occurrence and the equipment will normally be out travelling between fairs and shows.
- 6.2.5 It is considered that the continued use of this site would meet the sustainable criteria in paragraph 11 of the PPTS. The site provides the opportunity to promote integrated co-existence between the occupants and the community; although only for an additional 9 months it will provide the occupants with a continuation of their settled base and enable the family to continue to access health services and schools which they have been using.
- ## 6.3 **Layout of site, scale and design of buildings**
- 6.3.1 Policy CS12 also requires all developments to incorporate suitable design and screening and have suitable access and areas for manoeuvring and parking. Policy CS6 seeks to ensure that development is designed to a high quality respecting and enhancing the local distinctiveness.
- 6.3.2 As noted above the caravans have been laid out towards the rear of the existing hardstanding in a row, end on to the road. The site is already enclosed with security fencing on the roadside and a hedge on the north boundary with the school

buildings to the south. The land between the caravans and the roadside fence is available for parking and manoeuvring. No built development is proposed. The caravans provide all of the accommodation requirements for the family, kitchens and bathrooms within the units without the need for washrooms.

- 6.3.3 Policy CS12 requires all gypsy and traveller developments to incorporate suitable design and screening and the PPTS requires sites to be well planned in such a way as to positively enhance the environment by not enclosing a site with hard landscaping or high fences. The site is already enclosed with fencing and hedge boundary limiting the view of the development from the open countryside beyond the village. The current application for temporary use, does not propose any additional fencing or boundary treatments and it is considered that the existing boundary and siting provides sufficient screening and an appropriate layout so as not to result in significant adverse impacts.

6.4 **Impact on local area and neighbours amenities**

- 6.4.1 Paragraphs 12 and 23 of the PPTS states that when considering the suitability of a site regard should be had to the scale of the nearest settled community. As noted above St Martins is being promoted as a Community Hub, the third tier in the settlement hierarchy below Shrewsbury and the Market Towns. It is one of the larger villages in the north west of Shropshire and has a number of services and facilities. The proposals for a travelling show people's yard for one family, providing up to 5 plots, would not therefore dominate the settlement.
- 6.4.2 The nearest dwelling to where the caravans have been positioned is Yew Tree Cottage which is opposite the entrance to the site and is approximately 35 metres from the boundary fence of the site and therefore further from the position of the caravans. The distance ensures that there is no loss of privacy and will also reduce the potential for light pollution providing the lighting is provided appropriately to not spill beyond the site. All other surrounding properties are further from the application site and therefore the amenities of existing residents would not be adversely affected by the use. The Planning Department is not aware that any complaints have been raised during the already lengthy occupation of the site by the Stokes family and therefore there is no evidence of any adverse impact.
- 6.4.3 With regard to the impact from traffic movements regard has to be had of the previous use of the site as a school which would have had associated traffic, large number of cars dropping off and collecting children, large delivery vehicles, buses to transport for trips and also the general noise of the use as a school and playground. Regard also should be given to the confirmation that for the majority of the additional 9 month period applied for the fair equipment, and therefore the larger vehicles used to tow the equipment is off site travelling between fairs. As such it is considered that noise from traffic would be limited to the traffic associated with the occupation of the 5 residential caravans and as such would be a limited impact.
- 6.5.4 Overall it is considered that the use of the site, as laid out, for 5 caravans and associated traffic for occupation by a single family would not result in unacceptable loss of amenity for the residents of the neighbouring properties.

6.6 **Access, highway and drainage issues**

- 6.6.1 The site is served by a single access which was previously considered acceptable for the occupation of the site and there is no justifiable reason to consider that the access would not remain suitable for use for an extra 9 month period. The access, which previously served as access to the school, provides both vehicular and pedestrian access off Overton Road.
- 6.6.2 The caravans are sited on existing hard standing and as such will not create any additional surface water run-off. The agent for the applicant has confirmed that the caravans are not connected to the mains drainage system but are using their own internal facilities with a contract for emptying the systems. This therefore provides a form of private foul drainage and therefore no additional pressure on the existing foul or surface water drainage system.

7.0 CONCLUSION

- 7.1 Overall the development is considered to comply with the requirements of policy CS12 of the Shropshire Core Strategy, the site is close to the proposed community hub of St Martins and as such is close to a sustainable settlement. The scale of the development and the temporary nature of the current application is considered to be acceptable and would not result in any harm to the character of the area furthermore the proposed use of this site would not result in harm to the amenities of nearby residents given the distance of existing properties from the site.
- 7.2 The unmet need for a site for travelling show people within Shropshire also needs to be given weight and previous appeal decisions have given this matter significant weight and deemed that this need outweighed harm in many cases.
- 7.3 In the case of this application it is officers' opinion that there is no harm resulting from the continued use of the site for a further 9 months for the single family and therefore that there is no grounds on which to refuse consent.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

Both of these risks need to be balanced against the risk of not proceeding to

determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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

10. **Background**

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS12 - Gypsies and Traveller Provision

RELEVANT PLANNING HISTORY:

OS/01/11488/CMA Provision of a wind turbine GRANT 16th May 2001

OS/02/11965/CMA Provision of 'Stones' extension to existing nursery demountable unit at rear of existing school to provide a 'Sure Start' Centre GRANT 19th April 2002

OS/06/14421/CMA Provision of 2 no Stones half bay units as extension to existing Stones demountable GRANT 15th June 2006

OS/07/15258/CMA Renewal of temporary planning permission 96/9441 (CC96/0023) for retention of a 10-bay demountable classroom unit GRANT 21st December 2007

12/01846/VAR Variation of Condition no. 2 of planning permission ref: CC02/0010 dated 19/04/2002 to allow for the retention of a 4-bay demountable and a 5-bay demountable for a further period of 10 years GRANT 6th June 2012

12/01847/VAR Variation of condition No.2 attached to planning permission CC2006/0018 dated 15th June 2006 to allow for the retention of the demountable building for a further temporary period of ten years GRANT 6th June 2012

15/00537/FUL Change of use of part of former school site to provide temporary residential site for single travelling showpeople family for a period of up to one year GRANT 14th May 2015

16/02096/VAR Variation of Condition No. 1 attached to Planning Permission 15/00537/FUL dated 14 May 2015 to allow for the family to remain on site for a further temporary period of nine months GRANT 17th June 2016

17/01284/VAR Variation of Condition No. 1 attached to permission 15/00537/FUL to allow for the family to remain on site for a further temporary period of twelve months GRANT 27th April 2017

18/01959/VAR Variation of Condition No.1 attached to permission 17/01284/VAR to allow for the family to remain on site for a further temporary period of twelve months GRANT 27th July 2018

19/03373/VAR Variation of Condition No.1 attached to permission 18/01959/VAR to allow for the family to remain on site for a further temporary period of up to nine months PCO

SC/CC2007/0039 Renewal of temporary planning permission (originally granted in 1996) for 10-bay demountable classroom unit PERMIT 28th December 2007

SC/CC2006/0018 Installation of extension to existing demountable accommodation PERMIT 26th June 2006

SC/CC1996/0023 Phased construction of 10-bay demountable classroom unit PERMIT 26th July 1996

SC/CC2002/0010 Installation of a 4-bay demountable extension to provide an additional classroom and a 5-bay demountable extension to provide a `Sure Start' child and family centre PERMIT 24th April 2002

SC/CC2001/0010 Erection of a small wind turbine PERMIT 16th 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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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member

Cllr Steven Davenport

Appendices
APPENDIX 1 - Conditions

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

1. This permission shall be for a period of 9 months, from the date of this permission, by which date the caravans shall have been removed off site and the site reinstated to its previous condition.

Reason: The temporary consent is granted on the basis of the personal circumstances of the applicant.

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

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

3. The residential use of the site hereby permitted shall be limited to Mr Stokes and his resident dependents only.

Reason: To control the occupation of the site in accordance with adopted policy and on the basis of the personal circumstances of the applicant and the status of the site.

4. No more than 10 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 5 shall be a static caravan or mobile home) shall be stationed on the site at any time.

Reason: In the interests of visual amenities.

5. This consent does not permit the commercial operation or storage of any of the travelling show equipment from the application site.

Reason: To protect residential and visual amenities.



Committee and Date
North Planning Committee
15 th October 2019

Item
11
Public

Development Management Report

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

SCHEDULE OF APPEALS AS AT COMMITTEE 15th October 2019

Appeals Lodged

LPA reference	19/01382/FUL
Appeal against	Refusal of Planning Permission
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs T Rogers – C/O The Planning Group Ltd
Proposal	Erection of a single storey extension with glazed link extension; re-sited vehicular access
Location	The Chapel Pool Head Wem
Date of appeal	10.09.19
Appeal method	Householder/Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/02907/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Andrew Williams
Proposal	Erection of 1 No dwelling with on-site parking and alterations to existing vehicular access
Location	2 Coniston Road Shrewsbury
Date of appeal	12.09.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/05651/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated
Appellant	Ms L Bateman
Proposal	Erection of equestrian workers dwelling; installation of bio-disc treatment plant (resubmission)
Location	Proposed Equestrian Workers Dwelling South Of Bings Heath Shrewsbury
Date of appeal	05.08.2019
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/00075/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr James Corbett
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of agricultural building and formation of access track
Location	Shevlock Farm, Elbridge, ruyton XI Towns
Date of appeal	01.10.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	19/02736/REF
Appeal against	Refusal of Planing Permission
Committee or Del. Decision	Committee
Appellant	Mr P Davies – C/O Peter Richards
Proposal	Application under Section 73A of the Town & Country Planning Act 1990 for the extension and resurfacing of an agricultural field access track.
Location	Land East Of Erdington Close Shawbury
Date of appeal	12.06.19
Appeal method	Written Representation
Date site visit	29.07.19
Date of appeal decision	11.09.19
Costs awarded	
Appeal decision	ALLOWED

LPA reference	18/05584/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Committee
Appellant	Mr Khan
Proposal	Change of use from A1 retail to A5 hot food takeaway restaurant and associated alterations to the building
Location	41 Wood Street Shrewsbury
Date of appeal	22.05.2019
Appeal method	Written Representations
Date site visit	05.08.2019
Date of appeal decision	23.08.2019
Costs awarded	
Appeal decision	DISMISSED

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Appeal Decision

Site visit made on 29 July 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/L3245/W/19/3229542

Land east of Erdington Close, Shawbury SY4 4DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Davies against the decision of Shropshire Council.
 - The application Ref 18/03983/FUL, dated 24 August 2018, was refused by notice dated 27 November 2018.
 - The development proposed is for the extension and resurfacing of an agricultural field access track.
-

Decision

1. The appeal is allowed, and planning permission granted for the extension and resurfacing of an agricultural field access track at land east of Erdington Close, Shawbury SY4 4DQ, in accordance with the terms of the application Ref: 18/03983/FUL, dated 24 August 2018, and the plans numbered PD_001 RevB & PD_003, subject to the following condition:
 - 1) No agricultural machinery shall use the access track after 2300 or before 0700hours on any day.

Procedural Matters

2. The description of development given above is taken from the Council's decision notice as the proposed development was amended during the application process. The description of the application did not refer to the agricultural field access track and the agricultural building referred to was subsequently removed from the proposed development. This is also the description used by the appellant on the appeal form.
3. Plans for the previous scheme have been submitted as part of the appeal. For the avoidance of doubt, I have determined the proposal on the basis of drawings ref: PD_001 Rev B & PD_03. The access track has already been constructed in accordance with these plans and therefore I am considering this appeal retrospectively.

Main Issue

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

Reasons

5. The track extends from Bridge Way and largely follows the alignment of the existing field boundary terminating part way along the northern boundary. There are limited views of the access track from the public realm within the adjacent residential development. Whilst the track may be more visible from the dwellings closer to the field boundary any views will be limited due to existing boundary treatment, hedging and trees to the field boundary which screen the development.
6. The land levels within the field lower towards the track and residential properties and as such any longer views of the track from the surrounding countryside will similarly be limited.
7. I saw on site that due to the loose surface material used in the construction of the track, plants have begun to grow along and within the track itself, this aids in softening its visual appearance and assimilating it into the landscape
8. Whilst the hard surface of the track may become more apparent during winter months, due to its siting, design and the existing landscaping to the field boundaries I do not consider that it would be a highly visible or incongruous addition. Furthermore, any views of the track from the wider countryside would be viewed against the backdrop of the adjacent residential development.
9. I note that concerns have been raised in relation to the need for the track. However, the site is within agricultural use and the construction of a hard surface to improve access for large farm vehicles around the field is not unreasonable and I consider the width and extent of the track is consistent with its purpose and the area of land it serves.
10. For the reasons given above I therefore consider that the development is appropriate for its agricultural purpose and its siting and design ensure it does not have an adverse impact on the character and appearance of the surrounding area in accordance with the requirements of Policy MD7b of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan and Policy CS5 of the Shropshire Adopted Core Strategy which seek to ensure that developments do not result in unacceptable adverse environmental impacts and are well designed and located.

Other Matters

11. Concerns have been raised with the safety of agricultural traffic accessing the site through a residential area, the speed of vehicles, mud on the road and damage to the highway. Whilst these concerns are noted it appears the access arrangement to the site off Bridge Way, which also includes access to the Severn Trent Sewage Pumping Station, has been in place for some time. The current proposals do not include any change to the site access nor intensification of the existing use and therefore would not impact on this existing situation.
12. The appellant has however indicated that the construction of the access track within the site will aid in reducing mud and debris on the road. Any future proposals to develop the site further would be subject to normal planning controls.

13. Concerns raised over flooding and drainage appear to relate to the construction of a building on site. This is outside the scope of this appeal. The appellant has indicated that the access track is of permeable construction and I note that the Council have raised no concerns in this regard. I have seen nothing that would lead me to a different conclusion.

Conditions

14. I have specified a condition restricting the hours of use of the access track. Whilst I acknowledge that the appellant currently has unfettered use the purpose of the track is to provide improved access within the site and as such will likely concentrate vehicular movements along the field boundary adjacent to the existing residential properties. Considering the proximity of the track to these residential dwellings it is considered reasonable to restrict its use to minimise any impacts to the occupants from noise and general disturbance. A condition relating to the plans is unnecessary in this case as the application is for retrospective permission.

Decision

15. For the reasons given above I conclude that the appeal should be allowed.

A Denby

INSPECTOR

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Appeal Decision

Site visit made on 5 August 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2019

Appeal Ref: APP/L3245/W/19/3229377

41 Wood Street, Shrewsbury, SY1 2PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Khan against the decision of Shropshire Council.
 - The application, Ref 18/05584/FUL, dated 21 November 2018 was refused by notice dated 12 April 2019.
 - The development proposed is change of use from off-license (A1) to takeaway restaurant (A5). Minor internal alterations, including new partition wall and fittings associated with new kitchen areas. 2 No windows to be removed and blocked with new extractor fan ventilation, and new stack vent fixed to adjoining property which is also owned by the client. 1 No. window is to be enlarged and window onto Ellesmere Road is to be replaced with new main doors to proposed restaurant.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is the effect on highway safety in relation to parking.

Reasons

4. The appeal property is a vacant shop on the corner of Wood Street and Ellesmere Road. Wood Street is a residential cul-de-sac with housing on both sides. Ellesmere Road is a main road leading into the centre of Shrewsbury.
5. The appeal site boundary follows the footprint of the building. The parking area to the rear of 20 Ellesmere Road lies outside the appeal site and therefore is not subject to the proposed change of use. As such, visitors travelling by car to the proposed takeaway would need to park on the road. Restrictions prevent parking at any time on both sides of Ellesmere Road near to the appeal property. As parking is unrestricted on both sides, Wood Street would be the most obvious location for parking associated with the proposed development.

6. The submitted TRICS figures give an indication as to the level of car trips that would be generated by the proposal. Whilst some customers would walk, the appeal site is on a main road and so is likely to attract trade from passing drivers. The takeaway business is not bound to offer a delivery a service that reduces visitor numbers. Overall, the evidence suggests the proposal would lead to a demand for customer parking that will peak in the evening.
7. Limited off-road facilities result in a significant demand from residents for on-road parking along Wood Street, particularly in the evening. Where there is parking on both sides of Wood Street, cars are unable to pass and it is difficult to turn a vehicle due to the narrow road width. As such, road conditions and parking on Wood Street lead to potentially hazardous reversing on the highway. Car trips to the proposed takeaway would either exacerbate the parking and car movement problems on Wood Street or lead to drivers seeking to avoid them by parking illegally on Ellesmere Road. In either case, there would be an unacceptable effect on highway safety.
8. As a fallback to the appeal proposal, the shop use could return with unlimited opening hours. However, the appellant's marketing information suggests this is unlikely to happen. The submitted TRICS figures relate to convenience retail uses with a floor area significantly larger than the appeal property. Therefore, they fail to convincingly demonstrate a retail use would generate more demand for parking than the proposal, particularly in the evening. There is no evidence to demonstrate that a change of use allowed under permitted development rights is likely, or that any such change would result in a similar or greater demand for on-road parking. As such, I attach little weight to the impact of potential alternative uses in my assessment of the appeal.
9. For the reasons given above I conclude the development would cause unacceptable harm to highway safety in relation to parking. Consequently, and in this regard, it would be contrary to policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011, policy MD2 of the adopted Shropshire Council Site Allocation and Management of Development Plan 2015 and the National Planning Policy Framework, which all aim, amongst other things, to ensure development incorporates high quality car parking provision, to ensure there is sufficient infrastructure capacity to serve development and to prevent unacceptable harm to highway safety.

Other Matters

10. The proposal would provide employment and bring a vacant unit back into use, thereby reducing the risk of building dilapidation. These are positive considerations in favour of the scheme. I have noted the other points made by the appellant and comments in support of the appeal. However, these do not either singly or in combination, lead me away from my conclusion. Overall, the benefits of the proposal are modest and insufficient to outweigh the harm to highway safety that would be caused by reason of associated parking.

Conclusion

11. For the reasons given above, I conclude the appeal should be dismissed

Jonathan Edwards

INSPECTOR