



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

Date: Wednesday, 26 June 2019

Committee:
Central Planning Committee

Date: Thursday, 4 July 2019

Time: 2.00 pm

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

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

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

Members of the Committee

Ted Clarke (Chairman)

Nat Green (Vice Chairman)

Julian Dean

Nick Hignett

Pamela Moseley

Tony Parsons

Alexander Phillips

Keith Roberts

David Vasmer

Vacancy

Vacancy

Substitute Members of the Committee

Peter Adams

Roger Evans

Hannah Fraser

Jane MacKenzie

Alan Mosley

Dan Morris

Kevin Pardy

Lezley Picton

Claire Wild

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the Minutes of the meeting of the Central Planning Committee held on 6th June 2019.

Contact Shelley Davies on 01743 257718.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2.00 p.m. on Wednesday, 3rd July 2019.

4 Disclosable Pecuniary Interests

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

5 Proposed Crematorium, North Of Nesscliffe, Shrewsbury - 18/04965/FUL (Pages 5 - 58)

Erection of a new crematorium with associated access, car parking and landscaping.

6 Land North East of Kinton, Shrewsbury - 18/00130/EIA (Pages 59 - 86)

Erection of four poultry rearing buildings, nine feed bins, an agricultural workers dwelling, landscaping scheme and all associated works.

7 Land Off Manor Lane, Longden, Shrewsbury - 16/02395/FUL (Pages 87 - 122)

Erection of 5 No bungalows and associated infrastructure (amended description)

8 School House Farm, Sheinton, Shrewsbury - 18/04266/FUL (Pages 123 - 156)

Change of use of a farm yard and buildings to holiday complex to include: demolition of buildings; siting of four glamping units and a log cabin; works to and change of use of two buildings to form office and store and leisure facilities, formation of parking areas; and installation of package treatment plant (Amended Description).

9 Maesbrook Nursing Home, Church Road, Shrewsbury - 19/01132/FUL (Pages 157 - 174)

Erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights (revised scheme to include raise ridge height on approved extension to annex roof with fire escape from new first floor link bridge together with zinc roof line raised).

10 Former Congregational Church, Coton Hill, Shrewsbury - 19/01661/FUL (Pages 175 - 202)

Conversion and extension of a former Church into 9 residential apartments with associated car parking.

11 Goldsmiths of Shrewsbury, 10 The Square, Shrewsbury - 19/02030/ADV (Pages 203 - 210)

To erect and display one pole mounted branded flag.

12 Goldsmiths of Shrewsbury, 10 The Square, Shrewsbury - 19/02038/LBC (Pages 211 - 218)

Installation of one pole mounted branded flag and associated fixings.

13 Schedule of Appeals and Appeal Decisions (Pages 219 - 258)

14 Exclusion of Public and Press

To consider a resolution under Section 100 (A) of the Local Government Act 1972 that the proceedings in relation to the following items shall not be conducted in public on the grounds that they involve the likely disclosure of exempt information as defined by the provisions of Schedule 12A of the Act.

15 Planning Enforcement Quarterly Report (Pages 259 - 264)

16 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 1st August 2019 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

4th July 2019

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 6 June 2019

2.00 - 2.59 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Ted Clarke (Chairman), Nat Green (Vice-Chairman), Julian Dean, Nick Hignett, Tony Parsons, Alexander Phillips, Keith Roberts, David Vasmer and Kevin Pardy (substitute for Pamela Moseley)

1 Election of Chairman

RESOLVED:

That Councillor Ted Clarke be elected Chairman for the ensuing year.

2 Apologies for absence

An apology for absence was received from Councillor Pam Moseley (Substitute: Councillor Kevin Pardy).

3 Appointment of Vice-Chairman

RESOLVED:

That Councillor Nat Green be appointed Vice-Chairman for the ensuing year.

4 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 9th May 2019 be approved as a correct record and signed by the Chairman.

5 Public Question Time

There were no public questions or petitions received.

6 Disclosable Pecuniary Interests

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

With reference to planning applications to be considered at this meeting, Councillors Julian Dean, Nat Green, Kevin Pardy, Alex Phillips and Keith Roberts stated that they were members of Shrewsbury Town Council. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

With reference to planning application 19/01594/FUL – 37 Regents Drive, Shrewsbury - Councillor Tony Parsons stated that his Wife the was applicant and he would therefore leave the room, take no part in the consideration of, or voting on, this item.

7 Former Copthorne Barracks, Copthorne Road, Shrewsbury - 19/01288/REM

Councillor Julian Dean as local ward Councillor left the table during consideration of this item, took no part in the debate and did not vote on this item.

The Technical Specialist Planning Officer introduced the application for approval of reserved matters (appearance, layout, scale and landscaping) pursuant to the Outline Permission 16/04228/OUT, for a mixed residential development of 150 dwellings (additional 8 dwellings) for part of the site (an amendment to reserved matters approval 18/03637/REM), (amended description) and explained that the whole site already had detailed approval for 216 dwellings and this application related to the northern part of the site to allow for a change in house types and minor alterations to the layout to include 8 additional dwellings.

The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included a representation from the agent to confirm that the demolition that took place was performed under a Bat Mitigation Class Licence (WML-CL21) site registration.

In response to questions from Members, the Technical Specialist Planning Officer stated that the contribution to education was based on the formula used at the outline stage and would remain unchanged and there was no further information in relation to the pedestrian crossing at present but she would follow this up with SC Highways.

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

RESOLVED:

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

8 Proposed Affordable Dwelling South of Woodfield, Cruckton, Shrewsbury - 19/01303/OUT

The Technical Specialist Planning Officer introduced the outline application for the erection of one (affordable) dwelling to include access and explained that the application was considered by the Committee at the previous meeting when Members resolved to defer consideration to allow for further information in relation to the location of the site and its relationship to Cruckton. It was confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area on 9th May 2019.

The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included representation from a local resident in support of the application.

Michelle Trow, local resident spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Allan Hodges, Pontesbury Parish Council spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

- He stated that the local need had been accepted and the location of the site was the main issue;
- He noted that the original objective of the exception site policy was to enable young people to remain in the area they grew up, however, in his opinion the policy was now being interpreted more rigidly by Officers; and
- Cruckton was a loose knit settlement.

Tricia Harrison, the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate Members expressed differing views. Some Members supported the Officer's recommendation to refuse the application. Other Members were in agreement with the speakers and considered the site to be part of the settlement of Cruckton.

Having noted the comments of all the speakers, the majority of Members expressed their support for the application, contrary to the Officer's recommendation.

RESOLVED:

That planning permission be granted contrary to the Officer’s recommendation for the following reason:

The applicant has demonstrated housing need and a local connection and the proposed site can be considered to be within or adjacent to the named settlement of Cruckton.

Subject to:

That Planning Officers be granted delegated powers to attach appropriate conditions and a S106 to ensure that the dwelling is affordable in perpetuity.

9 37 Regents Drive, Shrewsbury - 19/01594/FUL

Councillor Tony Parsons left the room in line with his declaration at Minute 6.

The Principal Planning Officer introduced the application for the erection of a two-storey rear extension and alterations to single storey roof at front of house and explained that the reason that the application was for Committee determination was because the applicant was an elected Member.

Having considered the submitted plans for the proposal, the majority of Members expressed their support for the Officer’s recommendation.

RESOLVED:

That planning permission be granted as per the Officer’s recommendation subject to the conditions set out in Appendix 1.

10 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 4th July 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



<u>Committee and date</u>
Central Planning Committee
4 July 2019

<u>Item</u>
5
Public

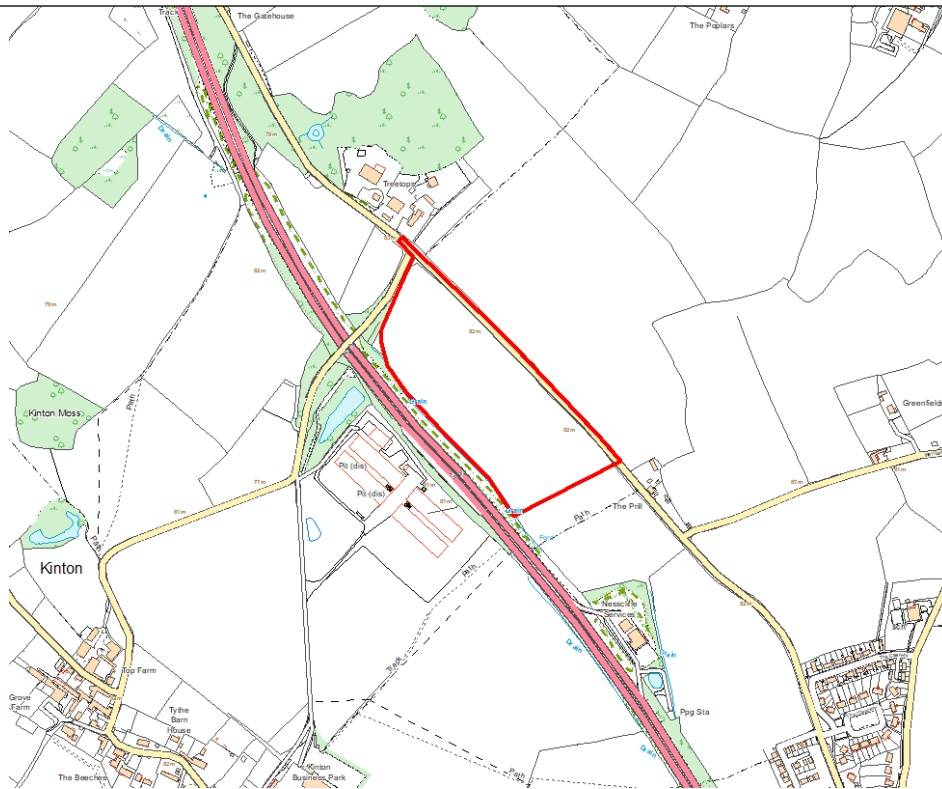
Development Management Report

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

Summary of Application

<u>Application Number:</u> 18/04965/FUL	<u>Parish:</u>	Great Ness
<u>Proposal:</u> Erection of a new crematorium with associated access, car parking and landscaping		
<u>Site Address:</u> Proposed Crematorium North Of Nesscliffe Shrewsbury Shropshire		
<u>Applicant:</u> Mr Ed Aldridge		
<u>Case Officer:</u> Kelvin Hall		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 337542 - 320155



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Recommendation: Delegate authority to the Planning Services Manager to grant planning permission subject to the conditions as outlined in Appendix 2, with any amendments to these conditions as considered necessary.

REPORT

A BACKGROUND

A.1 This application was presented to the 14th March 2019 meeting of the Central Planning Committee, with an officer recommendation that planning permission is granted subject to conditions. At that meeting Members resolved that consideration of the application be deferred to a future meeting of the Committee to allow the opportunity for a more independent need assessment and an additional noise assessment.

A.2 Since that time, in line with the request of Members, officers have commissioned an independent assessment of the need for the crematorium. In addition, the applicant has submitted an additional noise report. During the 14th March meeting, numerous issues were raised, both as part of the Public Speaking process, and also by Members. Following the meeting Officers requested that the applicant provided further clarification and information on the matters raised. The additional information is discussed below.

A.3 This Committee report details the additional information submitted, the findings of the independent need report, and further representations made on the application. It provides an updated officer assessment of the application, and replaces the report of 14th March.

1.0 THE PROPOSAL

1.1 This application seeks planning permission for the construction of a crematorium on land to the north of Nesscliffe. The proposed building would include a chapel and associated porch, vestry and waiting room; a cremator room; a reception, general offices and storage. The complex would appear as two joined, single-storey buildings with a pitched roof. A porte-cochere would form the building frontage and the location at which people would enter the building. The main chapel building would be 7.6 metres high; the operational part of the building would be 6.7 metres high and this would include a chimney rising to a height of 7.5 metres. The external materials would include brick walls; slate roof tiles; timber fascia, trusses and window frames; and timber columns to the porte-cochere.

1.2 The main car park would be situated to the north of the building. There would be a water feature to the west of the building, with a floral tribute area further to the west. Roadways would be tarmac; parking areas would be porous paving; and paths would be a mix of tarmac and block pavers. The illustrative landscape masterplan indicates that the remainder of the site would comprise a mix of landscape planting, amenity grassland and informal gravel pathways. There would be an attenuation pond at the western corner of the site.

1.3 Vehicle access to the site would be via a new two-way access onto the Holyhead Road to the east. The timber entrance gates would be set back from the public highway, and

post and rail fencing would be erected either side to connect to the existing roadside hedgerow. The opening hours of the facility would be 0900 – 1700 Monday to Friday, and 0900 – 1330 on Saturdays.

- 1.4 The application is accompanied by a detailed set of reports, including: an air quality assessment; an arboricultural impact assessment; an ecological appraisal; a Flood Risk Assessment; a groundwater risk assessment; a historic environment assessment; a Landscape and Visual Impact Assessment; a need report; a noise impact assessment; and a Transport Statement.
- 1.5 Since the 14th March Committee meeting, the further information that has been submitted includes an additional noise report; details on visible emissions passing over the application site; an odour assessment report; and clarification on visitor numbers to the memorial gardens. In addition to the above an independent need report has been provided by consultants who were commissioned by the planning authority.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises the northern part of an arable field that occupies land between the A5 trunk road and Holyhead Road, approximately 330 metres to the north of the village of Nesscliffe. The site extends to approximately 7.7 hectares. Its northern part is broadly flat, at an elevation of approximately 81m AOD. The land rises gently to the south to a level of around 87m AOD, forming a shallow hillock at the southern side of the site. The north-western, north-eastern and south-western boundaries of the site are formed by hedgerow, and there is a belt of off-site planting at the western corner. The south-eastern side of the site is open to the remainder of the field. A public footpath runs between the A5 and Holyhead Road, approximately 50 metres beyond the south-eastern side of the site. The A5 at this point is in a cutting and is therefore at a lower level than the site. Surrounding land is predominantly in agricultural use. On the opposite side of the A5 is a large poultry unit. Alongside the north-western boundary is the road to Kinton village.
- 2.2 The nearest residential properties are the two dwellings at The Prill. The property boundary would be approximately 20 metres from the south-eastern corner of the site and approximately 260 metres from the proposed building. Holmwood is approximately 35 metres from the northern corner of the site and 270 metres from the proposed building.
- 2.3 Further afield, approximately 600 metres to the south-east, the land rises up to approximately 161 metres to form the wooded Nesscliffe Hill. This area includes Nesscliffe Hill Camp, a scheduled monument. Hopton Hill, approximately 161 metres, and The Cliffe, approximately 157 metres form two further hills to the east, 1km and 1.5km away respectively. These hills together form the Nesscliffe Hills and The Cliffe Countryside Heritage Site.
- ## **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**
- 3.1 The officer recommendation is contrary to the views of the Parish Council and in addition the local Member has requested that the application is determined by Planning Committee. The Planning Services Manager in consultation with the Committee Chairman has agreed that the local Member's request and the views of the Parish

Council are based upon material planning reasons, and as such a Committee decision is required.

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comments** (these have been summarised where appropriate – the full comments can be viewed on the online planning register.)

4.1.1 **Great Ness & Little Ness Parish Council** [Comments made 15/11/18]. Objects. It is not in a sustainable location and not well placed to serve relevant populations - new development is being concentrated in Shrewsbury/Telford, less towards Oswestry. The applicant has failed to demonstrate what alternative sites have been considered and why is this the optimum site. Key concerns include traffic impact, visual impact including on setting of Nesscliffe Hill and open countryside, nearby ponds, possibility that it is an archaeological site, proximity to 2 nearby houses.

We further note that there is capacity at other crematoria in the area (Shrewsbury/Telford/Wrexham) and development of this site could undermine the sustainability of the Shrewsbury and Wrexham sites by taking business away from them.

Additional comments made 6/3/19: In light of further information submitted by the applicant and the publication of the pre-app advice, the Parish Council wishes to add to its original objection:

- 1) Access / highways - must only be allowed to approach from north/Wolfshead roundabout and signs must be in place stating this and no access signs in place from other directions. We note that in the pre-app advice the issue of public transport was raised so why has this not been followed through into SC highways comments on the application? Visits to crematorium memorial garden are not accounted for in the plans re traffic movement.
- 2) Site search - Why was a site selected that is outside the accepted maximum time of 30 minutes and 9 miles from its primary catchment, when closer and more appropriate sites were likely to be available? The applicant has only looked south and south-east of Oswestry and this is inadequate.
- 3) There is a lack of data on the two crematoriums currently used
- 4) Impact on RAF Shawbury/Nesscliffe Army Camp – the applicant is very dismissive of concerns raised by the MOD. We believe the crematorium was outside the no low flying zone agreed by RAF in 2001 and therefore it is a key flying path for the RAF as it is necessary to use it to avoid low/no fly zones close to the site. The parish council is concerned about the impact on RAF Shawbury and impacts on Nesscliffe Army Camp who are a big employer locally.
- 5) Pollution, including mercury.
- 6) Appearance – not thoughtfully designed and brick not suited to local area. Needs local stone and natural materials. Impact visually on setting of the hill. The suggestion of a bund is inadequate and will not be effective.
- 7) Environmental impact - adverse impact on open space and the open character of the area, including impact on the setting of Nesscliffe Hill
- 8) Pheasant shoots take place locally and chicken manure spreading

9) Cumulative impact of development - Nesscliffe has already had planning commitments that will more than double the number of houses in the village (significantly in excess of that allocated in SAMDEV). This development could jeopardise the development boundary the PC agreed as part of the Local Plan Review because the development of this site extends development north of the village.

If this development is approved, it is essential that the impacts on the community outlined above are mitigated - the parish council would therefore request that through a Sec 106 agreement funding is secured for traffic calming, better signage, open space projects and community facilities and projects (e.g. funding for meeting spaces such as the Village Hall which are likely to be used by funeral parties).

Comments made 17/6/19 following submission of additional information

The Central Planning Committee met on 14 March 2019 to consider the application to erect a new crematorium in Nesscliffe 18/04965/FUL. Members considered that Shropshire Council should have in the lead on this application. It was felt that a crematorium was a public service therefore decisions on need and location should be made by the Council not a private enterprise. Following a period of discussion, members were unanimous that any decision should be deferred until independent assessments of need and location were undertaken. The Planning Officer was charged with arranging independent assessments for committee consideration.

There appears to have been a misreading of the Committee's direction, resulting a second opinion of Westerleigh's submission of need being provided. Inevitably, the second opinion arrived at the obvious conclusion that an additional crematorium would take some of the weight of the Shrewsbury and Wrexham facility. The report offered nothing to help the Committee establish whether there is a need for an additional crematorium and which part of the county would most benefit from this additional facility.

The meeting also looked at the problems of using Nesscliffe as the location, in particular cortège times and aircraft noise. The committee were helped by a letter submitted by the Station Commander, RAF Shawbury (Doc 102), who laid out the timescale for reaching the anticipated helicopter activity, following a period of instructor training. The Station Commander explained that 'normal' activity would be evident by the middle of this year. Westerleigh have provided a new noise assessment however it is of little value as it was conducted in March 2019, well before helicopter training had reach anything like the anticipated level of activity.

The planning department need to provide the planning committee with information it requested.

4.1.2 **Environment Agency** No objections.

We consider that the proposed increased depth of the soakaway system from 2m to c.2.6m bgl is marginal, especially given the recorded groundwater level in nearby boreholes is in the range of 72.2 to 72.8 mAOD. We note that Drawing No. 402.02845.00035/SK.02 indicates base of soakaway at 78.2 mAOD (c. 2.7m bgl). Based on the information provided we consider that there is likely to be a significant unsaturated zone between the base of the soakaway and groundwater level. Therefore

we consider that the risk to controlled waters is acceptable. The remaining comments and conditions provided in the previous response remain valid.

This site is located above a Principal/Secondary Aquifer, Source Protection Zone (SPZ3), WFD groundwater body, WFD drinking water protected area and is adjacent to a surface water course (field drain). The site is considered to be of high sensitivity and the proposed use could present potential pollutant/contaminant linkages to controlled waters. We generally concur that the risk to controlled waters from scattering/interring of ashes is low; however, the field drain along the western boundary should be protected and therefore no scattering/interrment of ashes should take place within 10m.

We understand a bund will be constructed at the low end of the site as shown on Drawing No. 003. The bund should not be constructed from contaminated materials and should be designed and constructed such that any potential failure of the bund (e.g. flooding or collapse) should not impact the adjacent A5 road.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

It is recommended that a condition is added to prohibit internment or scattering of ashes within a minimum distance of: 50 metres from a potable supply (including wells and boreholes); 30 metres from a water course or spring; and a minimum of 10 metres distance from field drains. Internments shall take place within the unsaturated zone

- 4.1.3 **Historic England** No objections. The proposed crematorium is within c.700 metres of an iron Age Hillfort on Nesscliffe Hill, a scheduled ancient monument. The development proposal will not have a direct impact upon the hillfort, although will have some impact upon it due to development within its setting - defined by the NPPF as the surroundings in which a heritage asset is experienced. The application is accompanied by a Historic Environment Desk-Based assessment by Wessex Archaeology. In our view the impact upon the significance of the hillfort would be affected somewhat because the new development would introduce a new and relatively large feature into an open agricultural landscape. This open farming landscape of the Severn Valley adds to the significance of the hillfort as the people who built the hillfort and lived in the area are known also to have extensively farmed the same landscape, and the presence of this fertile plain helps to explain why the hillfort was sited at this location. We also note that the proposed crematorium development is low density, generally low rise, includes substantial areas of open landscape, and includes provision for screening. In overall terms our view is that the impact upon the significance of the hillfort caused by development within its setting is less than substantial.

In terms of the site itself, we concur with Wessex Archaeology's report in ascribing some archaeological potential to the area. We would therefore recommend that, should the Council wish to grant planning permission, they consult with their specialist archaeological advisor regarding an appropriate mitigation strategy.

The issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF, including paragraph 196.

- 4.1.4 **SC Conservation** The further revisions to the design and external materials and finishes of the scheme have generally addressed our earlier comments. Further consideration of a more locally sourced natural slate is recommended as the proposed slate is somewhat visually harsh and overly consistent.

The proposal would be sited centrally in what is currently a large linear agricultural field in a rural location just north east of the small settlement of Kinton. The field is bounded by the old A5 and the A5 Bypass just north of the Nesscliffe Services. The nearby settlement of Kinton is made up of a mix of designated and non-designated heritage assets, while to the east the Nesscliffe Hill Country Park contains both the Nesscliffe Hill Camp Scheduled Monument and Kynaston's Cave Scheduled Monument.

Due regard should be given to the following local and national policies, guidance and legislation would be 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 2018 revised National Planning Policy Framework (NPPF) and Historic England Guidance, particularly The Setting of Heritage Assets.

The submitted Historic Environment Desk-Based Assessment assesses the impact of the proposed development on both sites of archaeological interest and on designated and non-designated heritage assets within the immediate and surrounding area and is considered to meet the requirements of the relevant sections of the NPPF and Policy MD13.

We would refer you to the suggested planning conditions from the review of the Landscape and Visual Impact Assessment regarding landscaping details and long term maintenance to help mitigate impact.

This is a visible site adjacent to several highways and is read against a largely rural landscape from most views, and this would include a large poultry farm to the immediate west of the site, and efforts to fully minimize the visual impact of this proposed facility through both landscaping mitigation and with respect to appropriate building design within this rural context is important should the proposal be considered acceptable in planning terms. Recessive finishes in materials appropriate to this rural setting will be key, including roof finishes where we had suggested a 'green roof' for consideration. There may also be scope to incorporate further external materials and finishes found within the local context including the appropriate use of local stone and this should be further considered. A subtle mix of finishes to also include horizontal boarding for example may be more appropriate within the context of the area. Surface finishes to the parking areas and access lanes will need to be recessive and vegetative screening and natural landscaping and boundary treatments again appropriate to this setting is required.

Should the application be approved on this site for this type of development, appropriate

conditions to agree final external materials and finishes and window and door details, as well as site surface finishes, will need to be imposed.

- 4.1.5 **SC Archaeology** Recommends a condition. The proposed development site is located c.750m north-west, and within the setting, of the Scheduled Monument of Nesscliffe Hill Camp. A cropmark pit alignment, which is likely to represent at form of later prehistoric land boundary, is also present on the proposed development site itself. In addition, a cropmark ring ditch is located to the north of it, immediately north of the road (former A5) north-west from Nesscliffe village. As a result, the proposed development site is considered to have moderate-high archaeological potential.

An Historic Environment Desk-based Assessment by Wessex Archaeology has been submitted with the application. This assesses the impact of the proposed development on the significance of the Scheduled monument and archaeological interest of the development site itself, and we therefore consider that it satisfied the requirements set out in Paragraph 189 of the revised NPPF and Policy MD13 of the Local Plan.

We note the advice contained in Historic England’s consultation response. In particular, and with reference to Paragraph 196 of the Framework, Historic England conclude that proposed development would introduce a new and relatively large element into the hillfort, thereby altering the open, agricultural nature of its setting and affecting its significance somewhat. However, they also note that the proposed development will be low density, low rise and incorporate large amounts of landscaping, including screen planting. As a consequence, they conclude that the proposed development will cause less than substantial harm to the significance of the hillfort as a result of development within its setting. On this basis they raise no objection to the proposed development subject to the balancing exercise required by Paragraph 196 of the Framework being undertaken.

With regard to the archaeological interest of the proposed development site identified in Historic Environment Desk-based Assessment, and in relation to Paragraph 199 of the revised NPPF and Policy MD13 of the Local Plan, it is advised that a phased programme of archaeological work be made a pre-commencement condition of any planning permission for the proposed development. This should comprise an initial field evaluation, consisting of a geophysical survey of the proposed development site together with a targeted trial trenching exercise, followed with further mitigation work as appropriate.

- 4.1.6 **Natural England** No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

International sites – Midlands Meres and Mosses Phase 1 Ramsar (Fenemere): Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Midlands Meres and Mosses Phase 1 Ramsar and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a

suitable justification for that decision:

The air quality assessment submitted in support of the application indicates that the emissions will be below the threshold that the Environment Agency considers significant for impacts on designated sites.

Notwithstanding the above, your authority should be aware of a Ruling made recently by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C-323/17). The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. Competent authorities currently making HRAs should be mindful of this case and should seek their own legal advice on any implications of this recent ruling for their decisions.

Lin Can Moss Site of Special Scientific Interest: Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other advice In their consultation response Natural England have provided further general advice on the consideration of protected species and other natural environment issues.

4.1.7 **SC Ecologist** Recommends conditions. A Preliminary Ecological Appraisal was carried out on this site, and these comments are based on the findings of this report.

Designated Sites: Lin Can Moss SSSI lies approximately 700m to the north of the site. The site lies within Natural England's Impact Risk Zone layer and hits the trigger for 'Any industrial/agricultural development that could cause Air Pollution'.

Habitats: The site comprises an arable field, bounded by hedgerows on three sides with a small area of broad-leaved plantation woodland adjacent to the north western boundary. A margin of tall ruderal surrounds the arable field, forming an understorey to the hedgerow. The hedgerows are species-rich, intact, semi-mature and not gappy, appearing to be infrequently managed, and box cut though not recently.

The ecology report states that where new landscape planting is proposed species commonly occurring locally could be used, with other species making attractive additions to the site. Ideally a species rich grassland mixture should be incorporated within the boundary buffer habitats.

Great crested newts: Three ponds were identified within 500m of the site. The closest of these is 55m west; a trunk road (A5) separates this waterbody from the site. Two other ponds fall beyond 250m from the site boundary and as such outside the intermediate zone of influence. Additionally, one of these is considered to be located beyond a barrier to dispersal in the form of main roads which lead to Nesscliffe and Kinton. The other is located adjacent to the Nesscliffe services, just off the A5.

The peripheral vegetation on site, including the hedgerow and tall ruderal margin

provide some, albeit limited, opportunities for foraging, refuge and commuting for GCN. The arable field is an area of high disruption and as such is considered sub-optimal for GCN. As such, no amphibian populations utilising these waterbodies will be impacted by development of this site, and no further surveys are recommended. Current proposals include the retention and enhancement of the boundary vegetation, with only a small section to be removed to allow access onto the site. The working methods recommended will ensure that any amphibians that enter the site will not be harmed during the works.

Bats: No trees or buildings were located onsite, and as such no roosting opportunities were present on site for bat species. The broad-leaved woodland located adjacent to the north western boundary' and hedgerows may be used by foraging and commuting bats. The landscaping scheme will enhance the site for bats. The lighting scheme for the site should be sensitive to bats (and other wildlife) and follow the Bat Conservation Trust's guidance.

Birds: The hedgerows provide potential nesting opportunities for a range of bird species. Hedgerow removal should take place between September and February to avoid harming nesting birds. The landscaping scheme will enhance the site for birds.

Badgers: The survey identified a badger latrine close to the south eastern boundary of the site. However, no evidence of badgers on site was found. Given the existing records of badger within 2km of the site it is likely that badgers may be utilising the site for commuting and foraging especially via the hedgerow. A pre-commencement badger survey should be carried out to ascertain whether badgers have built any setts in close proximity to the development area before works commence. If any sett-building activity is observed within 30m of the site during the survey then a mitigation strategy will be required that sets out appropriate actions to be taken during the works.

Other species: Records of brown hare and hedgehog were identified within 2km of the site boundary. The hedgerows and arable land on site may offer commuting and foraging habitat on site for both the above species.

Working methods should be followed to protect common amphibians, reptiles and small mammals that may enter the site during the works, as detailed in the ecology report.

Conditions and informatives: Conditions are recommended to require a pre-commencement badger survey and prior approval of any external lighting.

[The full consultation response is available on the planning register.]

4.1.8 **SC Trees** No response received.

4.1.9 **Ministry of Defence - Defence Infrastructure Organisation** Raises concerns. The Defence Infrastructure Organisation (DIO) is part of the Ministry of Defence (MOD) responsible for building, maintaining and servicing the infrastructure that the men and women who serve our country need to live, work, train and deploy on operations.

Following the submission of application 18/4965/FUL, DIO wishes to draw the Council's

attention to potential noise and disturbance issues affecting the site which may not be reflected in the submitted Noise Impact Assessment.

The proposed crematorium is sited in an area within which high levels of noise and disturbance may be experienced due to MoD activity. The site falls within Low Flying Area 9 (LFA9), and is situated between RAF Shawbury, which is the home of the the Defence Helicopter Flying School and Central Flying School (Helicopter) Squadron and Nesscliff Training Area.

LFA9 is a dedicated military helicopter training area covering Shropshire and parts of surrounding counties, where high volumes of air traffic occur. Whilst activity may be focussed on RAF Shawbury and the Relief Landing Grounds of Tern Hill and Chetwynd, a substantial amount of aircraft movements take place in to, out of and around Nesscliff Training Area. Whilst flying activity can take place at any time to meet operational requirements, regular activity is likely to occur from Monday to Friday, between 0830 and 1700. For information, regular night flying will also take place in the hours of darkness Monday to Friday.

On the average weekday, it is estimated that the area in which the crematorium is proposed would usually be overflowed, or experience nearby, low flying activity on 12 to 18 occasions. This would include helicopters navigating/transiting close to Nesscliff Training area as well as helicopters operating in the training area.

Nesscliff, the boundary of which is approximately 1.2km to the west of the proposed crematorium site, is a 681ha Training Area suitable for Squadron/Company sized dismounted operations, helicopter operations, Field Hospital/Field Workshops and Logistics Base training. There is also limited use of light armour on established hardstands, watermanship training and adventurous training. Nesscliff Training Area has numerous training facilities which include 10x large stone tents, 1x farm complex, 1x Forward Operating Base (basic), 1x large field circuit with hardstanding and numerous bivouac areas. In the training year 2016/17 Nesscliff was also used by a multitude of regular, reserve and cadet units, in order to achieve their training aims, 65,730 man training days were recorded. Training using battle simulated charges (explosives) takes place within the area. Therefore, as per helicopter activity, it is highly likely that regular noise from both land-based training activity and explosives would be heard in the area of the proposed crematorium throughout the working week, but possibly also at weekends.

Paragraph 182 of the National Planning Policy Framework (2018) states that “Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development after they were permitted” before going on to require the applicant or agent of change to “provide suitable mitigation before the development has been completed.”

Whilst the content of the submitted Noise Impact Assessment is noted, as the survey does not cover a five day, Monday to Friday period, a complete picture of the potential impact of military aviation or training activity on the proposed crematorium has not been provided. Such a survey may aid the applicant in preparing a mitigation strategy if required to minimise any potential noise and disturbance that may result from

operational activity.

Every effort is made to avoid aircraft overflying crematoria where there is no restriction or detriment to training. The proposed crematorium site, by virtue of its location, may experience unavoidable noise and disturbance from both low flying aircraft and the training area, any impact exacerbated by the noise sensitivity of the intended use. It should be noted that due to the position of the proposed site, avoiding daily funeral services would effectively funnel Defence Helicopter Flying School aircraft, potentially creating a noise nuisance elsewhere, and increasing the likelihood of a mid-air collision.

Comments made 24/6/19: Following the submission of the updated new noise report MOD have made the following comments:

Previous representation from both DIO and RAF Shawbury have made clear that current levels of flying activity are not indicative of levels proposed or expected when full training capacity and flying operations are under way late in 2019 or early 2020. As such those surveys carried out are not considered indicative of those expected. Despite the current levels of activity relative to that projected being clearly conveyed in correspondence to both the Council and the applicant's agent a noise survey was still carried out, this new survey is not a true representation of expected helicopter activities originating at RAF Shawbury and transiting the airspace near the application site, travelling to or from the Nesscliff Training Area (NTA).

During the two week monitoring period a total of 16 sorties were flown into the training area, such a low intensity of flying activity is unlikely to provide reliably indicative noise output at the application site. It is anticipated that when operating at expected levels, RAF Shawbury would be providing a start/finish point for around 100 sorties per day, it is likely that more than 50% of those sorties would focus on the NTA, and it is likely that there would be repeated approaches to specific training locations. This survey has not been undertaken during what may be considered to be a normal or typical period of RAF activity in the area. It should also be noted that no consideration or reference appears to have been made to the use of NTA for training purposes and the associated noise which may include blank firing and the use of explosives.

Helicopter crews operating out of RAF Shawbury devise and plan routes to obtain the best use of training areas, fastest transit times and to ensure efficiency of sortie time and fuel usage. The route most commonly taken by our crews to get to the NTA is direct from Shawbury to NTA using fixed geographical features for navigation. This preferred route from Shawbury is to pass close to Harmer Hill before flying directly over Nesscliffe hill, using the bridge over the A5 (immediately to the north west of the application site) as a waypoint before proceeding to NTA. As air operators MOD have a duty of care to our crews and the local population to operate safely in the air, using direct routes to the NTA is the safest operating method and cannot be changed. Additionally, MOD has to a duty of care for the tax payers by operating in the most cost-effective way, this route is not only the safest but most economic route, these areas are both subject to audit. Given the location of the application site relative to both RAF Shawbury and NTA it will not be possible for low flying helicopter to avoid this area, it will not be possible to amend these established flight paths.

The noise impact assessment specifies a number of mitigation measures to reduce noise impact within the building. Until an appropriately representative monitoring period is completed it is unclear whether this level of mitigation will be sufficient. It should be noted that, as highlighted by the noise impact assessment, mitigation cannot be provided to outdoor parts of the site. There are substantial concerns that those elements of a service that take part outside the building would be significantly affected by helicopter operations. These significant elements, that might include the arrival of the hearse, post service condolences and gathering, as well as reflection in the proposed memorial gardens should, it is suggested, benefit from an atmosphere of calm and tranquillity, unmitigated noise from training activity and helicopter operations is not likely to contribute to that atmosphere.

In conclusion this noise report is based on monitoring carried out during a time when helicopter operations are not representative of those expected early in 2020 and does not, therefore, provide reasonable, statistically significant data. The value of the submitted Noise Impact Assessment as supporting evidence for the planning or construction of the Crematorium is, at best, questionable.

- 4.1.10 **SC Landscape consultant – ESP Ltd.** No significant issues raised. The LVIA has been prepared in a proportionate manner in compliance with GLVIA3, and we are confident that its findings are reliable, however, clarification on predicted cumulative effects is required.

Planning conditions should be imposed to required submission and implementation of landscape details, protection of soils, maintenance of new planting and details of proposed lighting.

- 4.1.11 **SC Public Protection** The acoustic consultants have calculated the individual and combined plant noise proposed on the site and have modified the result noise to add penalty Decibels to account for tonality. The outcome dB levels externally are calculated as 65dB. By virtue of sheer distance of 239m and 330m of the nearest receptors, the plant would not cause disturbance at the nearest properties.

Regulatory services would not comment on the aircraft noise aspect to users of a business but that the mitigation measures put forward with sufficient glazing are consistent with other sites which experience background noise, mainly from road traffic noise.

- 4.1.12 **Highways England** Recommends conditions.

Following the most recent submission of information by the applicant, we recommend that all of the previously outstanding matters have been resolved at least to the extent that planning permission can be granted subject to conditions to cover the following matters:

- Submission of detailed assessment of slope stability and water retaining soil bund design for approval prior to changing ground levels within 5 metres of the trunk road highway boundary and/or crest of the A5 Earthwork
- Implementation of noise mitigation strategy prior to first use of the site
- Submission of details of surface water drainage matters for approval.

Signage Strategy: Highways England agrees that a Signage Strategy is not technically required on the A5 due to low traffic impact on the Strategic Road Network and that this is a separate local concern which the applicant and Local Planning Authority will need to consider.

Drainage Matters: The original drainage proposal involved use the existing drainage ditch along the western site boundary to convey greenfield run-off (i.e. surface water) from areas ‘upslope’ of the crematorium (i.e. no roads or car parks) to the new pond. It is understood that the existing drainage ditch is a Highway England Drainage Asset.

The drainage design has been revised to incorporate a new ditch within the site. On this basis the existing drain that runs along the outside of the south western boundary of the site will be unaffected by the works. The proposed new swale along the site boundary addresses concerns raised in terms of potential impact with the SRN drainage system. HE however, would still have an interest in the detailed drainage design due to the close proximity of the site to the SRN boundary and therefore it is recommended that a suitably worded detailed drainage design condition is applied to any consent.

Proposed Bund: Further detail has also been provided in regard to the proposed soil bund required to prevent exceedance flows onto the A5 trunk road located within close proximity of the A5 boundary. The principle of the bund appears acceptable, however, as the bund is located with 5 metres of the SRN Boundary, detailed design of the proposed water retaining soil bund and a supporting slope stability assessment in accordance with DMRB standard HD22/08 Managing Geotechnical Risk must be provided to demonstrate the structural integrity of the earthwork is sound for its intended purpose, and that it will not impact on any SRN assets or the safe operation of the A5 in accordance with DfT 02/2013 para 49. It is recommended that the submission of this additional information could be dealt with as a condition of consent.

Traffic Impact: The Transport Statement submitted states that a maximum of 4 services will be held per day on average with the services being undertaken between 10.30am and 15.30pm. A small number of staff would be expected to arrive and depart from the site during the peak periods. Due to the nature of the type of development it is accepted that friends and family are likely to travel to the site together in private vehicles.

The type of development is not represented within the TRICS database therefore an independent survey has been undertaken at a similar development site managed by the proposed operator which indicates that the average level of attendance of a service is 46 people with average car occupation of 2 per car. Based on the survey, the transport consultant indicates that the proposed level of daily arrivals would be 92 vehicles (23 arrivals per service) and daily departures would be 92 vehicles (23 departures per service) during the operating hours of the crematorium with 4 staff movements within the AM and PM Peak periods. Two thirds of the development traffic is expected to route from the A5 Trunk Road via Wolfshead Roundabout and one third from Felton Butler Roundabout.

We conclude that from a traffic impact perspective the development is unlikely to have a severe impact on the safe operation of the SRN.

Landscape and Visual Impact: A Landscape and Visual Impact Assessment has been undertaken dated October 2018 to support the proposal which appears robust and considers prevailing policies and standards. The assessment concludes that due to the A5 trunk road being located in a cutting, the dense vegetation along the western site boundary and the topography of the development site, the proposed development is unlikely to give rise to any significant visual impact affecting motorists on the A5.

Noise Impact: A Noise Impact Assessment has been undertaken to support the proposed development which also appears robust and considers prevailing policies and standards in accordance with DfT Circular 02/2013 para 45. Due to the close proximity of the A5 trunk road, vehicle noise is considered the key noise source likely to impact the proposed development.

The Noise Impact Assessment considers the nature and sensitivity of the type of development would be considered a sensitive receptor therefore has been considered against the criteria for listening (place of worship, meditation, relaxation) as outlined in BS82233:2014 which is accepted. The assessment determined that the predicted Chapel internal noise levels met the BS82233:2014 criteria when windows were closed however internal noise levels were exceeded by 24 db (worst case scenario) on all elevations of the chapel building when windows were opened for ventilation purposes. Mitigation is therefore proposed by installing trickle vents for ventilation which appears an appropriate and acceptable solution, however, would be dependent on the proposed detailed design.

As the key noise source impacting the development is attributed to vehicles on the A5 trunk road Highways England would have an interest in ensuring suitable mitigation is installed to ensure BS82233:2014 criteria is met and would seek to ensure a suitably worded condition is attached to any consent.

Flood Risk: The Flood Risk Assessment and Outline Drainage Strategy appears robust and in accordance with best practice and regulatory requirements. The site is located in Flood Zone 1, risk to the site is considered very low and does not require any site specific mitigation measures to be applied.

Foul Drainage: Due to the remote location of the development site, there is no mains foul water drainage system within close proximity of the site. A pre-packaged foul water treatment plant is therefore proposed to manage 'residential' type waste on site before discharging to ground via a drainage field. The applicant has considered the pre-treatment foul water treatment plant proposed in regard to its forecast use which appears to be adequate to accommodate for the development. The applicant also considers that they will need to adequately maintain the treatment plant and undertake further BRE 365 infiltration tests determine whether the means of discharge to ground is appropriate or not. The foul treatment plant is unlikely to impact the SRN, however, we would have an interest in the detailed design information due to the close proximity of the SRN Boundary.

- 4.1.13 **SC Highways Development Control** No objections subject to conditions and to the applicant confirming that they will provide a shelter for the cycle parking.

The impact this application will have on the local highway network is being considered from a highways perspective, a crematorium of this size would generally have a low impact. This is because the staff numbers are in single digits therefore even in the peak traffic hours they will have a minimal effect on the traffic flows.

Most of the associated business traffic to and from this crematorium is anticipated to happen outside the morning or evening peak traffic flows, the busier local highways have been assessed including Holyhead Road and the A5, they are expected to be able to accommodate the additional traffic.

Routeing: The route to and from the crematorium for the majority of users and visitors can be from the north or the south along Holyhead Road. However, the applicant is proposing to direct, where they can, that all traffic approach from the north using the Wolfshead roundabout. To support the use of this northerly approach the intention is to provide highway signage on the A5 and other highways where it will assist.

Access: Drawing No OSWO1_P003 rev E sets out the design of the proposed access off Holyhead Road and is acceptable.

Internal Road layout: The internal road layout at a crematorium is important as it must be designed such that it allows for the incoming traffic to enter and park with ease while allowing for the exiting vehicles to egress with the minimum of impact. Consideration also has to be given to service vehicles moving around the site. The applicant has provided acceptable evidence that the internal layout can accommodate these types of vehicles.

Drawing No OSWO1_P003 rev E sets out an acceptable internal road layout, as it is expected to cater for the free flow within the site while avoiding causing problems on the public highway.

Parking: The applicant has provided comments on their experience on the amount of parking required at crematoria. The Council accepts that there are sufficient parking spaces provided for cyclists, disabled driver parking and for other vehicle parking. The parking layout as set out on Drawing No OSWO1_P003 rev E is acceptable.

To encourage staff use of cycles as a means of travel, the cycle stands should be covered. The applicant should be encouraged to agree to the provision of this type of shelter for the cycle stands offered on drawing OSWO1_P003 rev E.

Directional Signage: The applicant is proposing to direct wherever it can be done through online and through literature, the use of a northerly approach to the crematorium via the Wolfshead roundabout. Thus, encouraging all drivers to avoid passing through nearby Nesscliffe village.

In addition, the applicant is proposing to negotiate with the highway authorities for the placing of directional signage at appropriate locations, to direct traffic to the Wolfshead roundabout approach to the crematorium. The applicant has not yet provided such information.

It is recommended that planning conditions are imposed to require that the access, car parking and visibility splays are completed prior to use.

4.1.14 **SC Rights of Way** No comments to make.

4.1.15 **SC Drainage** No objection. The proposed surface water drainage is acceptable. A condition should be imposed to require submission of details of surface and foul water drainage for approval.

4.1.16 **Outdoor Partnerships Country Parks Team** Objects.

- It would spoil the view from Oliver's Point, a key aspect of why people visit Nesscliffe Hill Countryside Heritage Site. The siting of the development is immediately in the line of site from this viewpoint
- The proposed site is less than a kilometre away from Oliver's point, an elevated position that is directly in the prevailing westerly winds and any smoke pollution would have an impact on visitors using Nesscliffe Hill.

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

4.2 **Public comments**

4.2.1 The application was advertised by site notice and by direct notification to 12 residential properties and businesses in the local area. Objections have been received from 17 properties and from Shrewsbury Homes. A summary of these concerns is below.

4.2.2 Objections made up to 14/3/19 (the date the application was first presented to Planning Committee):

- Site is open countryside and should remain so
- Location not supported by local funeral practitioners or their clients
- Should be sited closer to Oswestry
- Not close enough to Oswestry to meet the 30 minutes travel time
- Site is 12 miles from Shrewsbury and 10 miles from Oswestry, and when town driving time is added these towns would be outside the 30 minute drive time
- Query why other locations were not considered
- Site only chosen due to land availability
- Federation of Burial and Cremation Authority recommend siting on the urban fringe not open countryside on edge of small village
- Inappropriate location for either Shrewsbury or Oswestry
- Would mean cremations are main activity of the village
- Application recently refused for housing development in Kinton as in open countryside
- No evidence that site is more than 200 yards from houses
- Scattering of ashes may be too close to houses and roads
- Increased traffic through Nesscliffe village
- A5 either side of Nesscliffe is one of the most congested roads around Shrewsbury;

- will make congestion worse
- Traffic gets diverted through Nesscliffe village when accidents on the trunk road
 - Traffic from north and east would use narrow country lanes
 - Routing could not be enforced
 - Noise from A5
 - Many HGVs using public weighbridge at Kinton
 - Additional traffic from visitors other than those attending services
 - Minimal benefit to the local community
 - Little employment opportunities – no economic benefit
 - No social benefit
 - Negative impact on other crematoria in area
 - Delays at Shrewsbury crematorium were due to improvements, not capacity
 - Shrewsbury, Telford and Wrexham crematoria all have capacity and are in towns with good range of public services and easily accessible
 - Negative impact on residential amenity
 - No reliable or regular public transport to the site; no train station; no footpaths
 - Unsustainable as relies on car for transport
 - Impact on Nesscliffe Hill, the Cliffe and Hillfort; Nesscliffe Hill Countryside Heritage Site; detrimental impact to panoramic views from Oliver's Point and other locations; planting would not mitigate for this
 - Impact on visitors to the area
 - Adverse impact from car in car park, and glint
 - Cannot be satisfactorily landscaped
 - Visible from the primary school
 - Smell of chicken sheds would reduce appeal of the site; considerable odour from regular cleaning of poultry unit; inappropriate and offensive to crematorium visitors
 - Impact from noisy MOD low flying activities which are persistent
 - Funeral directors would insist that flying is restricted during funerals
 - Developer may put severe restrictions on existing businesses: poultry farm and MOD
 - Noise from helicopters, gunshot and game shoots
 - Site is neither quiet nor secluded
 - Full archaeological investigation should be carried out
 - Impact on air quality from emissions
 - No mention of odours in air quality assessment
 - Unlikely that chicken sheds would have been granted if crematorium was already there
 - Prevailing wind will blow odour from poultry units onto site
 - Impact on health and community wellbeing
 - Mercury and other noxious pollutants would be released within 500 metres of primary school and nursery; released when bodies containing dental amalgam fillings are incinerated
 - Site may be extended in the future; will result in further ribbon development
 - No national or local planning guidelines for crematoria
 - Contrary to Development Plan; a departure from policy
 - Application is intended to provide an improved public service but from a public perspective it has a number of serious failings
 - Committee report (14/3/19) has lent heavily on the evidence and assumptions of the applicant (a 'for-profit' organisation) at the expense of the evidence and

- comments from the MOD, Parish Council and local community
- Query why Council has not done their own research to establish need and optimum location, as is usual in developments such as this
 - Wait time at both Shrewsbury and Wrexham crematoria is one week, not 3-4 weeks as suggested by Officers in the Committee report
 - Other areas of Shropshire are more in need of a crematorium: .Shropshire Council's document, Older People Profile 2018 lists the towns with the highest percentage of over 65's as 1st Church Stretton, 2nd Much Wenlock, 3rd Ludlow with Oswestry and Shrewsbury being 16th and 17th respectively out of 18 towns
 - Contrary to policy CS5 as no need for a facility in the local community, it brings no economic benefit and does not enhance the countryside
 - Query why site methodology only looked at sites south and south east of Oswestry
 - The 30 minute cortege time is not a legal requirement but a funeral industry standard. Nesscliffe will have cortege times in excess of 30 minutes for the targeted centres of Oswestry and Shrewsbury (distance between town and crematorium plus distance in within town)
 - Both the Officers and applicant have dismissed the objections of the MOD, claiming that the low fly zone over the site is only sporadic which is just not true. Funeral directors request cessation of flights over local churches during funerals so noise clearly is an issue and should this be given approval it is not unreasonable to expect that similar requests will be made. This is unrealistic given the number of services and has the potential to disrupt the activities of both RAF Shawbury and Nesscliffe Camp, contravening para 182 of NPPF. Precedence must be given to the MOD over a crematorium that can be sited elsewhere
 - Not the peaceful location mourners expect given the close proximity of the A5, the chicken houses, the low fly zone and the gun fire from the Camp
 - Wrong to introduce this quantity of traffic through the village when the bypass was constructed to alleviate this; signage will not prevent this
 - Will have huge detrimental consequences for the viability of Nesscliffe Training Camp and RAF Shawbury continuity, both of which are large local employers and provide facilities for many Shropshire Clubs & Societies in addition to units from across the UK and overseas; a resource of great value to this community and should never be put in question from a profit-making construction such as this crematorium
 - Site satisfies no-one other than applicant and those with financial interest in the project; funeral directors have commented on the inappropriate location of the facility; site on outskirts of Oswestry would be wholly more suitable
 - Incorrect and misleading to state that other crematoria in the area are at or close to capacity
 - The Council should commission their own, independent assessment of need and identify appropriate locations.
 - Query why the noise surveys were carried out adjacent to old A5 and not the new A5
 - Noise monitoring point 2 was not 'free field' as it was within a hedgerow, and was not always in position
 - Noise survey does not log helicopter activity; does not acknowledge period of night flying
 - Will be persistent flying over the area by mid-2019; flights will not be halted or re-directed; this cannot be mitigated

4.2.3 Five letters of support have been received:

- Good use of land
- Existing facilities at Shrewsbury and Wrexham involve considerable road journeys which add to the stress of mourners
- Existing facilities are old and experience operational difficulties leading to delays
- Delays at Shrewsbury and Telford crematoria resulted in the hospital hiring in emergency body storage in refrigerated units
- Service times at existing facilities are too short due to high demand
- Would reduce waiting times and travel distance
- Need for an additional facility to the north/north-west of Shrewsbury
- Wait time of 3-4 weeks is becoming normal, unless other further away facilities are used
- Shrewsbury crematorium is dirty with poor standards of decoration; outdated design; hemmed in by memorial and burial grounds; little ability/incentive to improve
- Crematorium near Oswestry would meet growing demands of ageing population
- Good access via dual carriageway; ample car parking
- Sufficient distance from Nesscliffe

4.2.4 **Nesscliffe Hills & District Bridleway Association – Parish Paths Partnership Group** Objects.

- Site should be closer to the population it is intended to serve, i.e. Oswestry, this would free up more space at Shrewsbury crematorium which does have spare capacity
- Location is right on the limit or beyond the recommended travel distance for anyone travelling from Oswestry
- Notoriously bad section of the A5, which often has accidents and hold ups
- Impact on horse riders who use the old A5 to reach off-road riding routes in Nesscliffe Hills
- Visual impact from viewpoints on these Hills, in foreground to views to Welsh Hills; impact on tourism; views were featured on ITV programme
- Impact on view from bridleway around bottom of Nesscliffe Hill
- Impact on users of the bridleways forming part of the Shropshire Council-promoted tourism routes of the Humphrey Kynaston Way, a long distance Linear bridleway route, which has to use a section of the old A5 through Nesscliffe; viewpoint over this proposed site features in the booklet; impact on views from Humphrey Kynaston Nesscliffe Circular Route and the Shropshire Way, and from Oliver's Point by Nesscliffe Hillfort
- Funeral corteges would cause delays to tourists and horse riders
- Air pollution impacts to users of Nesscliffe and Cliffe Hills blown by prevailing wind from west
- Changed from rural view to an urban one; difficult to screen
- Impact on historic landscape
- Impact from funeral corteges on horseriders who use this section of the old A5 and bridge over bypass to Kinton
- Additional traffic using narrow country lanes through villages for people living to the east
- Query why no up-to-date figures have been provided of capacity at other crematoria, or evidence of any specific capacity shortfall

- Query why no details given of other possible alternative sites that were considered
- Will not deliver 'significant community benefit'; not 'respectful of local character'
- Impact on sensitive receptors passing close by
- Does not meet requirements of policies CS5, CS6, CS7, CS16 or CS17 of the Shropshire Adopted Core Strategy
- impact on the unique character, visual heritage, landscape, and recreational values and functions of these assets, and their immediate rural surroundings, including the bridleways that provide local leisure routes and connecting corridors to the wider network, providing informal recreation for local communities and tourists. It will impact on health and community well being, and on maintaining air quality
- impact on strategic leisure routes and Nesscliffe Countryside Heritage Park which contribute to the offer within Shropshire
- impact from 'smoke' from incineration of birds at nearby poultry rearing operation

4.2.5 **RAF Helicopter Noise Liaison Group** Objects. The development of a crematorium would have irreversible and detrimental effects on the tri-service helicopter training from RAF Shawbury. Nesscliff camp is a major part of LFA 9 (Low Fly Area 9). Having to avoid overflights of funerals at the crematorium would possibly result in the use of Nesscliff Camp by the RAF as unsuitable in the future, concentrating the low level helicopter activity over the rest of LFA 9.

4.2.6 **RAF Shawbury** [Comments made 12/3/19]. Notes that it is recommended that the application is approved, and would like to draw attention to the information below.

Recent helicopter flying training use of Nesscliffe Training Area has been light when compared to historic usage. This was due to the drawdown of the Defence Helicopter Flying School (DHFS) helicopters and the build-up of the new Military Flying Training System with the new Juno and Jupiter helicopters.

By way of an illustration, the use of Nesscliffe Training Area over the last 8 months has been at a rate of around 40 to 50 sorties per month. For each sortie flown to Nesscliffe Training Area the crew will usually carry out at least 3 approaches to the landing areas, generating around 120 – 150 approaches. It is anticipated that the new MFTS contract will have achieved full output by mid-2019 with the use of Nesscliffe Training Area returning to previous levels, with over 22 sorties a day or 440 sorties a month; this is 3 times that of recent activity with over 1300 approaches/month. This will create an almost persistent presence in and around the Nesscliffe Training Area, with constant use of Pigeon Wood.

The effect of our flying training will be to introduce potentially significant noise into the proposed crematorium area on a constant basis; even allowing for circuits flown to the west of Nesscliffe Training Area, (circuits to the east are restricted to prevent the villages of Kinton, Kynaston and Knockin being permanently overflown) noise disturbance is extremely likely in and around the application site. It should also be noted that in addition to helicopter traffic, Nesscliffe Training Area is used regularly for pre-deployment training for many Battalion-sized Army deployments. This training will frequently involve live/simulated arms training and the use of large tracked vehicles and

weapons systems.

It should be noted that I will not be able to alter the current flying pattern of the DHFS in and around Nesscliffe Training area. To do so would lead to funnelling of activity that would impact on the deconfliction of helicopter traffic entering and leaving Nesscliffe Training Area and increase the risk of mid-air collision. I would like to place on record that if RAF Shawbury receives noise complaints relating to the proposed crematorium, the complainants will be referred to Shropshire Council's Planning Department.

I am certain that you understand that flight safety must be my overarching consideration. Freedom of movement within the Nesscliffe Training Area is critical to the delivery of our operations within Low Flying Area 9 in Shropshire and meeting our obligation to generate aircrew for front line squadrons and Defence.

5.0 THE MAIN ISSUES

5.1

- Environmental Impact Assessment
- Statement of Community Engagement
- Planning policy context; principle of development
- Need and general location considerations
- Siting, scale and design; impact upon landscape character
- Residential and local amenity considerations
- Historic environment considerations
- Traffic and access considerations
- Ecological considerations
- Pollution considerations
- Financial contributions

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1

The Council issued a Screening Opinion for the proposed development in November 2018 (ref. 18/04543/SCR). This stated that the application falls within category 11(b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is therefore Schedule 2 development as the area exceeds 0.5 hectare. In making the Screening Opinion the proposal was considered against the selection criteria in Schedule 3 of the 2017 Regulations and also to advice contained in Planning Practice Guidance on Environmental Impact Assessment. The Screening Opinion confirmed that it is not considered that the proposed development would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. As such an Environmental Impact Assessment is not required.

6.2 Statement of Community Engagement

6.2.1

The NPPF encourages pre-application engagement. Para. 128 of the NPPF states that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. It states that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

6.2.2 The applicant sought pre-application advice from the local planning authority, and also held a pre-application public consultation event in Nesscliffe to which there were 117 attendees. Details of this are contained in the applicant's Statement of Community Engagement. This states that, of the 48 comments made, 50% were objections, 33.3% were in support and 16.7% were neutral. The objections included the following points: lack of need; too close to the village; wrong location; traffic impacts; too close to chicken farm (smells); noise from nearby A5 and RAF helicopters; visual impact from Nesscliffe Hill and Oliver's Point. The support comments included: need for the facility; good access; peaceful and tranquil; well-designed layout and building; good job prospects; wildlife protection and landscaping measures welcomed.

6.2.3 The Statement of Community Engagement states that the applicant has taken all of the representations made into consideration and has concluded that there are no specific revisions required in order to directly address the concerns raised. As noted above there are a number of detailed reports submitted with the application which cover the issues raised at pre-application stage.

6.3 Planning policy context; principle of development

6.3.1 The application site lies on a greenfield site in a rural location and in an area classed as countryside for planning policy purposes. Core Strategy policy CS1 of the Development Plan states that in rural areas development and investment will be located predominantly in Community Hubs and Clusters. The village of Nesscliffe is defined as a Community Hub, however the site lies outside of this.

6.3.2 Core Strategy policy CS5 seeks to protect the countryside from inappropriate development. It states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. It states that this would include small-scale new economic development diversifying the rural economy, and required community uses and infrastructure which cannot be accommodated within settlements. Policy CS8 seeks to preserve and improve access to facilities and services wherever possible. Paragraph 84 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

6.3.3 The application explains that the general principles of siting of crematoria are set out in the Cremation Act 1902. This states that these facilities should not be constructed '*nearer to any dwelling house than 200 yards (182m) except with the consent, in writing, of the owner, lessee and occupier of such house, nor within 50 yards (46m) of any public highway*'. This 200-yard rule restricts the development of new crematoria in urban areas, and in effect directs their siting to urban fringes or rural locations. Site selection and need considerations are discussed below. However officers accept, having regard to policies CS5 and CS8, that the siting of a crematorium within the countryside is acceptable in principle.

6.4 Need and general location considerations

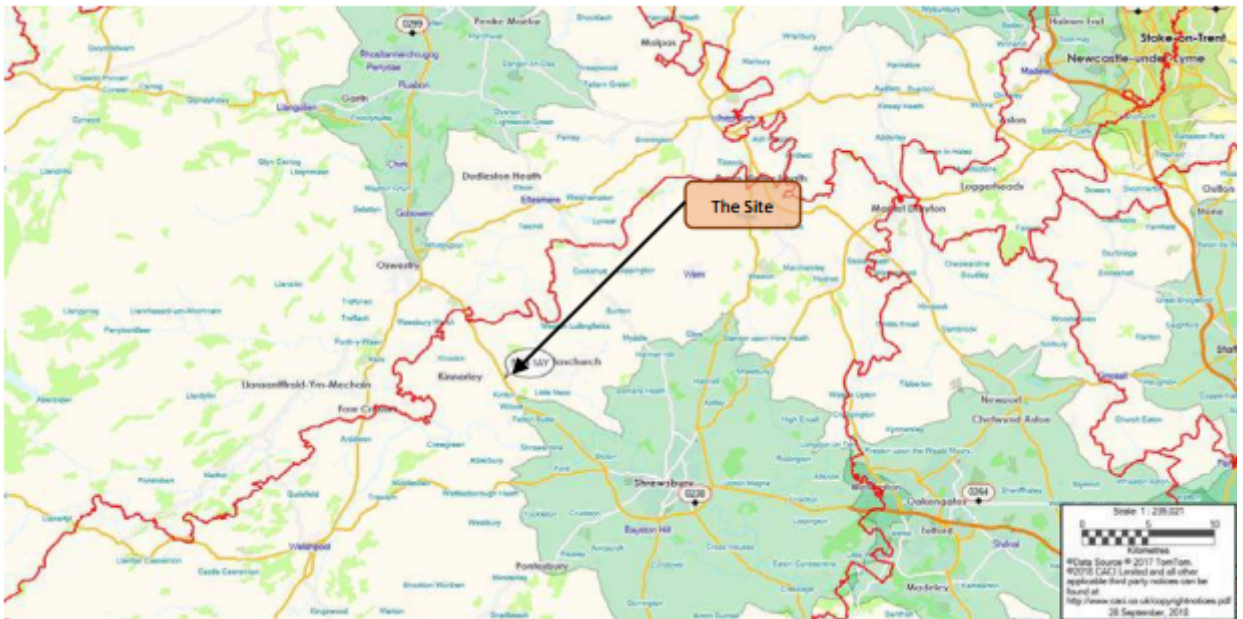
6.4.1 The application is accompanied by a detailed report on the need for the facility, and also details of the site search methodology. This was prepared by the applicant,

Westerleigh Group Ltd. Following the resolution of Members at the Central Planning Committee on 14th March 2019, Shropshire Council commissioned an independent report into the need for the crematorium. The findings of these reports are summarised below. The full reports can be viewed on the online planning register.

Applicant's need report

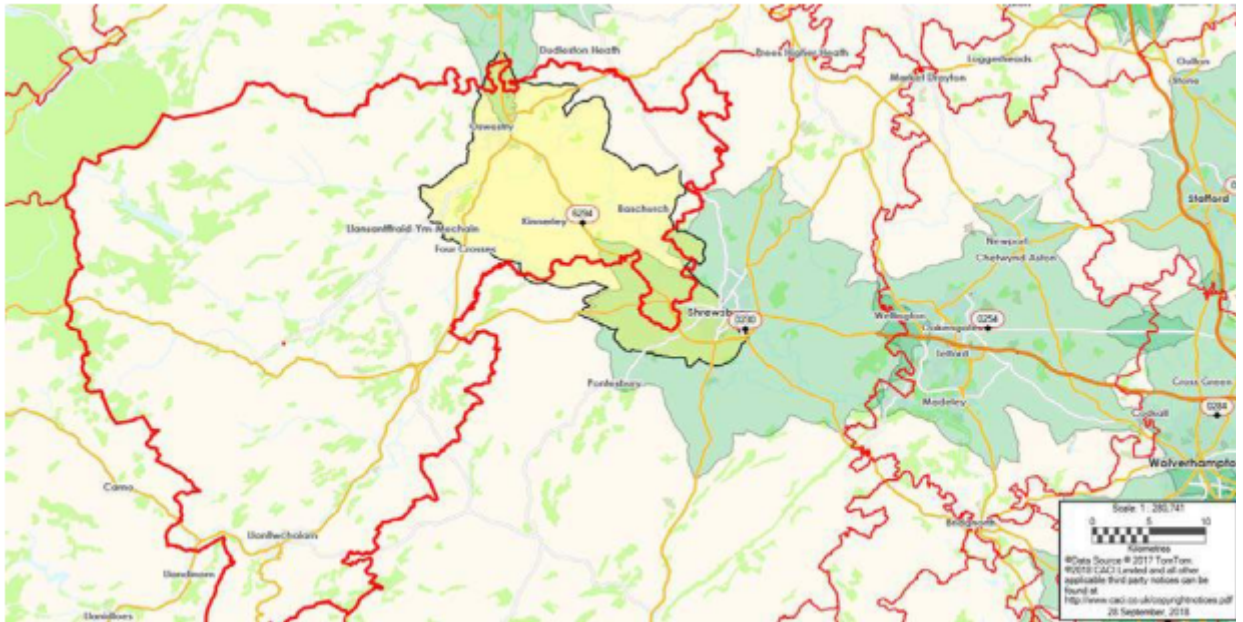
6.4.2 **Background:** The applicant's need report identifies that the elderly population of Shropshire is set to grow by 54% from 2016 to 2041. It states that the cremation rate is more than 79% and is set to rise over this period.

6.4.3 **Drive Time:** The need report states that it has been accepted at planning appeals that a funeral cortege should not have to travel more than 30 minutes to reach the crematorium. The existing crematoria in the area are at Shrewsbury (Emstrey) and Wrexham. The applicant has provided a Drive Time map (see below) which indicates that there is a large geographic area to the south of Oswestry and north of Shrewsbury which is beyond a 30-minute drive time for any of the existing crematoria. This is estimated to encompass around 35,000 people.



Current 30-minute Drive Time and Catchment Map [Source: applicant's Need report]

6.4.4 The need report suggests that the proposed crematorium would be the nearest facility for nearly 92,000 people, and a total of 85,000 people would live within a 30 minute cortege drive time of it. Based upon average deaths per year, cremation rates, and other factors, the applicant estimates that the facility could cater for around 838 cremations per year which would otherwise be held at less convenient sites. The applicant's map below indicates the geographic area which would be within a 30-minute drive of the proposed crematorium.



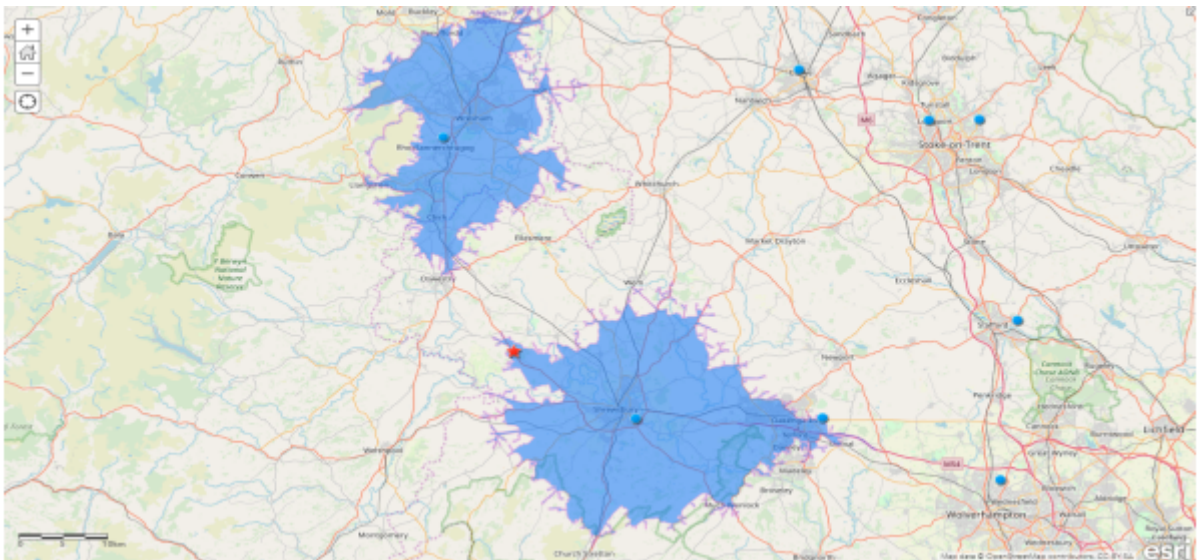
Current Drive Time (green) and Proposed Drive Time (yellow). [Source: applicant's Need report]

- 6.4.5 Capacity of existing crematoria: The need report identifies that the Quantitative Standard for capacity of a crematorium is 80% of its Practical Capacity. It states that on average over the last three years both the Shrewsbury and the Wrexham crematoria have been operating at 110% of their Practical Capacity, and that this is well in excess of the Quantitative Standard. The report goes on to say that the consequences of this is congestion around the building and car park, leading to a mix of funeral parties and not providing the dignified and reflective environment the bereaved should have. It also states that the average delay to funerals at Shrewsbury and Wrexham is 3 to 4 weeks, with these being worse in winter.
- 6.4.6 The applicant's need report concludes that there is a quantitative and qualitative need for a new crematorium to serve Oswestry and the surrounding communities.

Independent need report

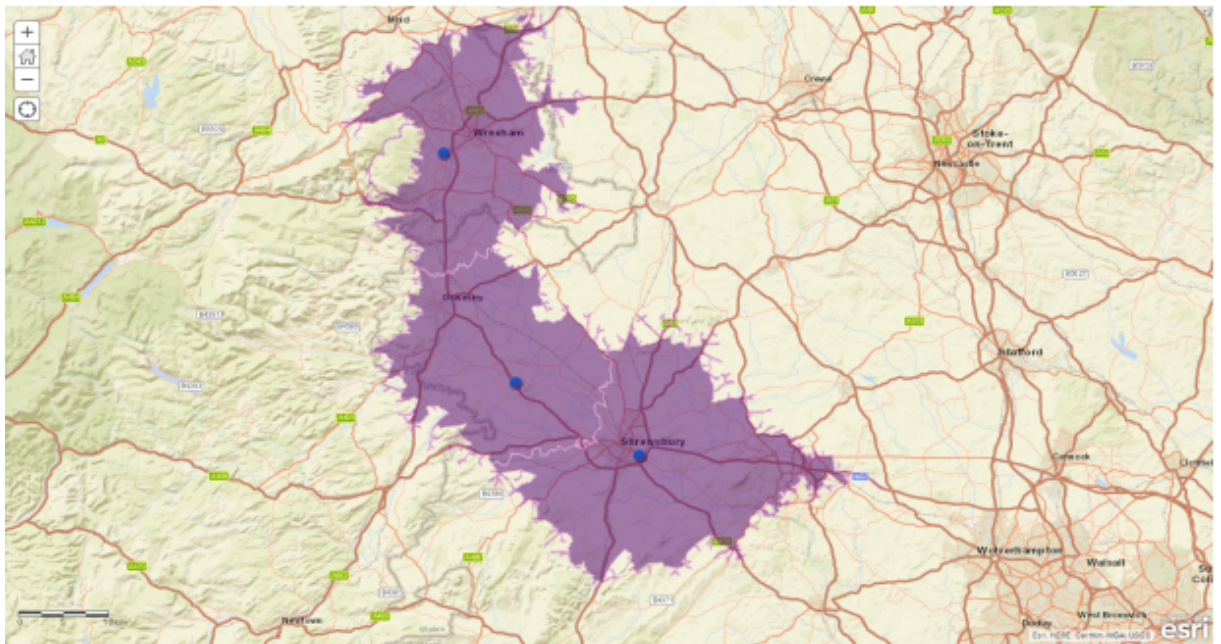
- 6.4.7 At its meeting on 14th March 2019 Members requested that a more independent need assessment was undertaken. The Council commissioned Peter Mitchell Associates (PMA) to carry this out. The PMA report looks into both the quantitative and qualitative factors associated with need.
- 6.4.8 (i) National context
The PMA report states that in 2017 cremation accounted for 80.3% of all funerals in England. The figures in the report show that there was a dramatic increase in the proportion of deaths resulting in cremation between 1940 and 1970. This has continued to increase since then, albeit at a lower rate. It provides data to show that there is a close link between the availability of crematoria and the number of cremations. It states that 37 new crematoria have been built since 2011. It provides evidence that additional new crematoria are required in the UK to meet the continued and increasing demand for cremation.

- 6.4.9 The report includes ONS and Welsh Government data to show evidence that the population of the local area aged 65 and over, and the associated number of deaths, are projected to increase significantly.
- 6.4.10 (ii) Local context of demand for cremation in Shropshire
The PMA report includes data from ONS and the Welsh Government from the three local authority areas within the natural catchment of the proposed new crematorium, i.e. Shropshire, Wrexham, and Powys. It states that this provides evidence that the population of the local area aged 65 years and over, and associated number of deaths, are projected to increase significantly between now and 2038.
- 6.4.11 The report states that:
“This demographic context underlines the need for the new crematorium near Nesscliffe in order to meet the quantitative and qualitative needs for cremation among the growing and ageing local population.”
- 6.4.12 (iii) Quantitative need for a new crematorium near Nesscliffe
The PMA need report notes that, at planning appeal, a 30 minute funeral drive-time at 60% of normal traffic speeds has been held to be an appropriate basis upon which to establish the need for a new crematorium. In order to identify drive-time catchments, the PMA report has used different software to that used by the applicant.
- 6.4.13 The closest existing crematoria most likely to be used by residents of the Shrewsbury and Oswestry area are Emstrey at Shrewsbury and Pentrebychan near Wrexham. The 30 minute drive time catchments of these two are in the figure below.



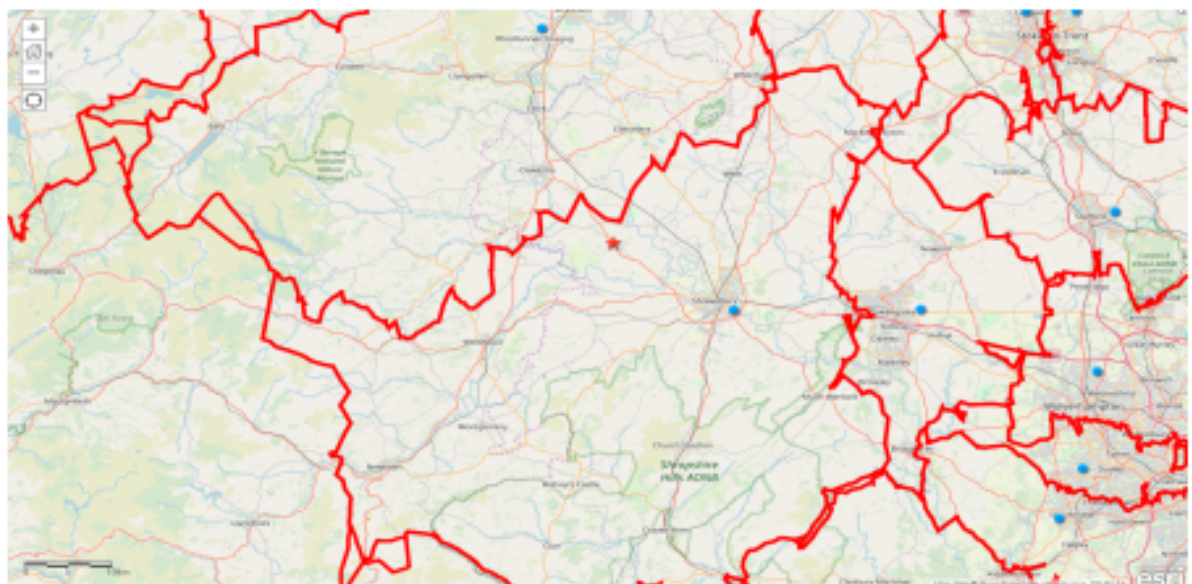
30-minute drive time catchments of Emstrey and Pentrebychan crematoria [Source: PMA need report]

- 6.4.14 The figure below illustrates the 30-minute drive-time isochrones for the Wrexham and Shrewsbury crematoria with the addition of the proposed crematorium at Nesscliffe.

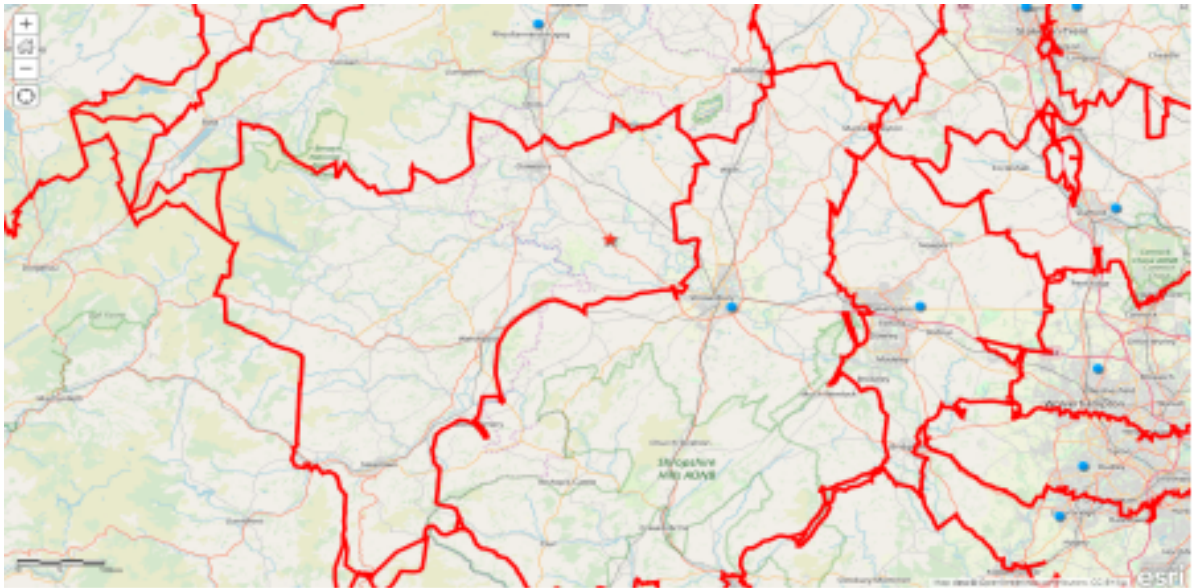


30-minute drive-time catchments of existing and proposed crematoria [Source: PMA need report]

6.4.15 The PMA report provides data that shows that the proposed crematorium at Nesscliffe would benefit approximately 95,000 people by reducing their journey time to their nearest crematorium.



Natural catchments of Emstrey and Pentrebychan crematoria [Source: PMA need report].



Natural catchments of existing and proposed crematoria [Source: PMA need report].

6.4.15 The report identifies that the core times at crematoria lie between 10.30am and 3.30pm. It states that this core capacity is known as the ‘practical capacity’. It states that Emstrey has been operating at an average of 110% of its practical capacity over the past three years, and that the equivalent figure for Pentrebychan is 88%. This would suggest that there is spare capacity within core times at Pentrebychan. The report suggests that the standard service time for this crematorium is 30 minutes, i.e. less than the 40 or 45 minutes recommended by the Institute of Cemetery and Crematorium Management. It states that if it extended its interval times to 45 minutes, it would have operated at an average of 129% of its practical capacity over the past 3 years.

6.4.16 The PMA report states that in a planning inquiry the parties agreed that the best measure for assessing whether a crematorium is meeting a quantitative standard is its practical capacity in a peak month, and that this method has been approved by a planning Inspector and upheld by the Secretary of State. Using this method, the PMA report states that “it is quite evident that Emstrey and Pentrebychan are working above accepted practical capacity standards, particularly during periods of peak demand”.

The report concludes this section by stating:

6.4.17 *“This is clear evidence of a compelling quantitative need for a new crematorium at Nesscliffe to meet current levels of demand, let alone the projected sustained future increases in demand due to increased deaths”.*

6.4.18 (iv) Qualitative need for a new crematorium near Nesscliffe

The PMA report states that qualitative need is based upon the ability of crematoria to address the key issues of: availability of preferred slots, leading to delays between death and the funeral; journey times to crematoria; congestion at crematoria.

6.4.19 *Availability of preferred slots:* The report states that a sample of obituaries suggests average delays of greater than three to four weeks between death and funeral at Emstrey and Pentrebychan, during what is likely to be a peak month, and that these delays will increase in line with projected increases in deaths.

- 6.4.20 *Journey times to crematoria:* The report suggests that the crematorium at Nesscliffe would benefit a significant number of people, through its location that is far more convenient for them than other crematoria.
- 6.4.21 *Congestion at crematoria:* The PMA report considers that the 60-minute funeral interval proposed at Nesscliffe is generous and would minimise the possibility of congestion occurring. It suggests that the design of the crematorium is contemporary and would meet the needs and expectations of bereaved people in the 21st century.
- 6.4.22 In relation to this section, the PMA report concludes that:
“There is a compelling qualitative need for the new Nesscliffe crematorium”.
- 6.4.23 The PMA report has been prepared by an independent firm of consultants and concludes that there is a “compelling quantitative and qualitative need for a new Nesscliffe Crematorium”. Based upon the detailed assessment provided in the two need reports, officers accept that the provision of a new crematorium to serve the area between Shrewsbury and Oswestry would ease the pressure on the existing sites at Emstrey and Pentrebychan, provide a more convenient facility for this catchment and may enhance the experience for mourners.
- 6.4.24 Site search methodology: There is no policy requirement for applications to detail the site selection process however the applicant has agreed to set out their site search methodology. Officers consider that it is useful background information in helping to understand the justification for selecting the proposed site. Following the identification of the need for a new crematorium in the locality, the applicant states that around 60 sites were initially identified through a desktop and site inspection process. The preferred site was identified through the application of site selection criteria and discounting of other sites. The applicant states that the other sites were discounted for reasons which included: cortege and public access to the site; highways safety; visual impact; noise; flood plain; planning policy designations; exclusion zones of Cremation Act 1902; viability.
- 6.4.25 Justification for location: A number of representations have raised concern that the proposed location has not been justified, and the comments of the Parish Council that the facility would not be well placed to serve relevant populations are noted. The catchment area extends into parts of Wales, and this is because the nearest crematorium to the west is at Aberystwyth. However the main centres of population that would be served by the facility would be at Oswestry and Shrewsbury. The Parish Council has suggested that as new development is being concentrated in Shrewsbury/Telford rather than Oswestry, the facility should be located closer to Shrewsbury. However the applicant anticipates that, based upon the predicted catchment area, the location of population centres and the available routes to the site it is likely that around two thirds of mourners would arrive from the north. Locating the facility either closer to Oswestry or closer to Shrewsbury would benefit one of those towns in terms of drive time at the expense of the other. In principle therefore, Officers accept that this general location is justified given the drive-time benefits it would bring to significant numbers of residents.

- 6.4.26 Scope and independence of PMA report: The independence of the PMA report has also been questioned by a local resident. Prior to commissioning the report officers discussed the proposal with PMA, inspected their CV, and were aware that they had carried out work both for Westerleigh and for rival companies. Officers were content that PMA would be able to provide a fully independent and competent assessment of need, that they have no vested interest in the current application and that there would be no conflict of interest.
- 6.4.27 The assessments of need have looked into whether there is a need for a crematorium in the area proposed. It has not been the intention to undertake a county-wide assessment of where there may be a need for additional crematoria. The planning authority is required to determine the acceptability of the application site on its own merits, and this is discussed further below. If other applications come forward for crematoria at other locations in the future, these will need to be considered in relation to planning policies including acceptability of the site and issues of community need.
- 6.5 Siting, scale and design; impact on landscape character**
- 6.5.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. Policy CS16 seeks the delivery of high quality sustainable tourism. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) and this has been reviewed by the Council's landscape consultant ESP Ltd. who consider that the findings of the LVIA are reliable.
- 6.5.2 The site itself is not designated for landscape protection however the LVIA considers the landscape to be attractive and of 'high' value. The site is visible from immediately surrounding public viewpoints including the Holyhead Road, the Kinton road and public footpaths, and also from the higher ground associated with the Nesscliffe Hills and The Cliffe to the east. The area of the site is relatively large however the built elements would be concentrated within the lower, relatively central part of the site, to the north of the raised part of the field. The building would be set back from the Holyhead Road to the east by approximately 100 metres. It would be generally low-rise, with a height lower than a standard two-storey dwelling, and this would facilitate screening from lower level viewpoints. Peripheral areas would predominantly be landscaping and amenity grassland. This separation distance and the existing and proposed landscaping would reduce the general visibility of the development in the immediate area, and help to assimilate the development into the wider landscape.
- 6.5.3 Landscaping: The surrounding area is characterised by small copses and woodland and the proposed structure planting at the site is designed to replicate this. Species would be predominantly native and reflect those found locally. There would be a mixture of understorey and larger trees to provide a robust structure. In addition to the structure planting it is anticipated that there would be areas within the grounds where memorial tree planting could be undertaken.

- 6.5.4 External materials: Revised details of external materials have been submitted following discussions with Officers. It is now proposed that local sandstone would be used for flank walls at the site to reflect the use of these materials locally. The proposed use of brick walls and slate roof would provide a generally recessive appearance and in principle the external materials are considered to be acceptable subject to precise roofing details being agreed by planning condition. The substantial landscaping proposed would filter views of the development from surrounding areas.
- 6.5.5 Impact on landscape character: The LVIA includes a representative sample of viewpoints to assist with the assessment, and these include views from public rights of way and public highways both close to the site and further afield. It has assessed the impact of the proposals on the different local landscape character areas in the vicinity of the site. The proposed development would introduce built form to an area visible from the Nesscliffe Hills. The proposed landscaping would help to reduce this impact. The LVIA suggests that there would be a ‘minor adverse’ effect on this landscape character area and that this would reduce to ‘negligible’ in the long term as the planting develops. From Nesscliffe village it is considered that the impact would be minimal due to the intervening hillock and the proposed planting. The proposal would alter the nature of the local arable landscape associated with a change from agricultural use. The LVIA considers that the impact on this local landscape type would be ‘moderate’ adverse in both the short term and the long term, but that this would not be significant beyond the site boundaries.
- 6.5.6 The LVIA concludes that the generous areas of structure planting proposed within the site would help to assimilate the site into its wider surroundings and would replicate the many small woodlands and copses within the wider area. It states that in the long term, following the establishment of the planting the residual effects would reduce to ‘negligible’.
- 6.5.7 Visual effects: The LVIA considers the visual effects from the Holyhead Road to be ‘moderate’ adverse in the short term. Over time, this would be expected to reduce to ‘minor’ adverse as the perimeter planting develops. Views from the footpath to the south-east of the site would be restricted due to the presence of the intervening hillock. Views from the A5 would be expected to be limited to brief glimpses of the rooftops. In time the boundary planting would merge in the view with existing embankment planting. From the Kinton road views of the site would be possible and the LVIA suggests these would be ‘moderate’ adverse. In time, planting would filter the development and reduce effects to ‘minor’ adverse but would also be likely to result in the loss of open views towards Nesscliffe Hill.
- 6.5.8 The LVIA recognises that Oliver’s Point is a popular lookout point from which the site is clearly visible in the middle distance. The development would also be visible from The Cliffe. The buildings would not break the skyline and the recessive building colours would help to minimise visibility. The LVIA suggests that the car park may be eye-catching, particularly on sunny days if there is glint from cars. The development would clearly be a notable feature in the view and the LVIA suggest that this would be ‘substantial’ adverse and locally significant. Officers consider that the proposal would have an adverse impact on views from some parts of the Nesscliffe Hills. It should be

noted that the development would form only a small element of the overall view from these locations. It is noted that also within this view is the Nesscliffe service station a short way to the south of the site and the large poultry development to the west. In time the proposed landscaping would develop to a woodland block and would be expected to reduce visual effects to 'minor' adverse by year 15 which would not be considered significant. It is not considered that the development would have a significant impact on the use of these areas as tourist attractions, or on the recreational use of the area.

6.5.9 Lighting: The access road and car park would be lit by five 4 metre tall pole lights and there would be bollard lights in the car park would have bollard lights. These lights would be shrouded and directed to avoid light spillage. They would be time-controlled and switched off after 6pm when the site closes. Lights from the site may be apparent during late afternoon/early evening from some viewpoints. This would reduce as the landscape planting matures and it is not considered that this would have a significant impact on the landscape. A condition can be imposed requiring that external lighting is subject to prior approval.

6.5.10 Officers consider that the LVIA presents a fair assessment of the impacts of the proposal. The crematorium development would introduce a notable feature into this rural landscape and this would have significant visual effects on some views in the area, particularly from Holyhead Road, the Kinton road and elevated viewpoints within Nesscliffe Country Park. No cumulative impacts are anticipated. It is considered that, through siting, materials and landscaping, the development would minimise visual impacts initially and ensure that longer term impacts reduce to levels that are not significant. There would be short-term adverse impacts, and it is a matter of planning balance as to whether these are acceptable, and this is considered further below.

6.5.11 Agricultural land: Agricultural land classification maps indicate that the site is Grade 3, and no information is available as to whether this is Grade 3a or Grade 3b (Grades 1, 2 and 3a are classed as 'best and most versatile'). The NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Whilst the land is not of the highest value, it may include best and most versatile land which would be taken out of agricultural use and this constitutes an economic disbenefit of the scheme. However the proposal would also provide other benefits, and in the absence of significant impacts, it is not considered that the loss of the agricultural land would constitute a reason to refuse the scheme. A condition can be imposed to require details of soil handling to ensure that this resource is protected during earthworks and to retain its value as part of landscaping.

6.5.12 Potential impact on Ministry of Defence activities: The site falls within the MOD's Low Flying Area 9 (LFA9) and is situated between RAF Shawbury, which is the home of the Defence Helicopter Flying School and Central Flying School (Helicopter) Squadron, and Nesscliffe Training Area (NTA). The MOD has advised that high levels of noise and disturbance may be experienced in the area due to MOD activity. They did not originally object to the proposal however they drew attention to these issues. They acknowledge that their activity is focussed on RAF Shawbury and the land grounds of Tern Hill and Chetwynd. However they have advised that a substantial amount of aircraft movements take place in to, out of, and around Nesscliffe Training Area,

approximately 1.2km to the west. They have suggested that it is highly likely that regular noise from both land-based training activity and explosives would be heard in the area of the proposed crematorium through the working week.

6.5.13 The MOD has advised that every effort is made to avoid aircraft overflying crematoria. However they have suggested that doing this would potentially create noise nuisance elsewhere, and increase the likelihood of a mid-air collision. They have advised that the facility may experience unavoidable noise and disturbance from both low flying aircraft and the training area.

6.5.14 The proposed crematorium would be situated approximately 1.2 km to the east of the Nesscliffe Training Area from which helicopters would fly from and to. It has not been possible to obtain precise flying routes from the MOD however they have confirmed that circuits to the east of the Training Area are restricted to prevent the villages of Kinton, Kynaston and Knockin from being permanently overflowed. It is noted that Kinton is located directly between the Training Area and the proposed site.

6.5.15 The applicant's agent has noted that the MOD has advised that circuits to the east are restricted to prevent villages such as Kinton from being permanently overflowed. The agent has suggested that, as the village is just to the south-west of the application site, this means that the site itself is not overflowed. However RAF Shawbury's Warrant Officer has advised that this is not the case, and that helicopters do fly in the vicinity of the site. The MOD have re-affirmed this, stating that the preferred route of helicopters is over Nesscliffe Hill, using the bridge over the A5 as a waypoint. The MOD have advised that, given the location of the application site relative to both RAF Shawbury and the NTA, it is not possible for low flying helicopters to avoid the area, and it is not possible to amend these established flight paths.

6.5.16 A noise report was submitted with the original planning application, and this included the findings of a noise survey which spanned a 5.5 day period during July 2018. Following initial consultation the MOD raised concern that, as this did not cover a five day, Monday to Friday period, it did not provide a complete picture of aviation or training activity. At the 14th March Central Planning Committee, Members requested that an additional noise report was undertaken. The applicant's consultants have carried out a further noise survey, over a 2 week period. Officers have requested that they clarify concerns raised by a member of the public regarding the positioning of the meter at one of the locations.

6.5.17 In relation to this extended survey the MOD have advised that it has not been undertaken during what may be considered to be a normal or typical period of RAF activity in the area. They have advised that during the noise monitoring period a total of 16 sorties were flown into the training area. They predict that when operating at expected levels, in late 2019 or early 2020, RAF Shawbury would be providing a start/finish point for around 100 sorties per day, and it is likely that more than 50% of those sorties would focus on the NTA. They have previously suggested that this would effectively generate noise into the crematorium area on a constant basis. They therefore consider that the extended noise survey does not provide reasonable, statistically significant data.

- 6.5.18 It should be noted that the noise surveys have measured the noise levels in the area as they exist at present. The MOD have not suggested that the two week period of monitoring was not long enough (as was previously the case), but that the noise assessment does not factor in what the noise climate may be like in late 2019 or early 2020. Officers acknowledge that, based upon the MOD's comments, the level of flying activity is likely to increase in the future. However officers do not consider that it is reasonable to expect the applicant's noise assessment to try to predict what the impact of this change to flying activity (which is yet to occur) may have on the noise climate of the area.
- 6.5.19 The noise report includes a 'helicopter sound assessment' and this concludes that the existing ambient sound level would increase by a maximum of 3.8dB, which corresponds to a 'Moderate' change. Guidance states that this level of change "May cause small changes in behaviour and or attitude, e.g. turning up the volume of television; speaking more loudly; closing windows". The report suggests that this change is unlikely to have a significant effect given the proximity of the A5 to the site, and also that the proposed alternative ventilation system would protect internal levels. The applicant is of the opinion that the use of the crematorium would not be harmed by any sporadic noise from the MOD Training Area. In addition they advise that the facility would not result in future limitations being put on the MOD in relation to where and when they can fly. They further consider that land-based activities should not affect the quiet use of the crematorium given the distance to the MOD site.
- 6.5.20 The MOD has substantial concerns that those elements of a crematorium service that take place outside the building would be significantly affected by helicopter operations. The concerns of MOD are acknowledged, however it is noted that they have not formally objected to the proposed development. Para. 182 of the NPPF states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It states that, where an existing business or facility could have a significant adverse effect on new development, the applicant should be required to provide suitable mitigation. In relation to the current application officers acknowledge that there may be times when MOD activity is audible from the site. However officers are of the opinion that there is insufficient evidence that the use of the site as a crematorium would be incompatible with existing land uses.
- 6.5.21 Potential noise impact from A5(T): The revised noise report advises that mitigation measures are required to ensure internal noise levels do not exceed the criteria given in the relevant British Standard for listening, i.e. a place of worship; meditation; relaxation. It recommends mitigation in the form of standard thermal double glazing and alternative ventilation. This can be secured through a planning condition.
- 6.5.22 The noise report predicts that external noise levels would range between 53 and 60dB due to the impact of, mainly, the A5 Nesscliffe bypass. The report states that no guidance is available for noise limits for memorial gardens, so the consultants have based its recommendations on the criteria for residential garden spaces. It recommends that, where a suitable level of noise is required in the memorial gardens, a 2.4 metres high acoustic barrier can be constructed along the boundary with the A5(T) in order to reduce noise levels by approximately 2dB, thereby achieving levels of below

58dB in all external areas. It states that this is acceptable for the design range of 50-55dB for garden areas as a level of 58dB is not considered perceptibly different to a level of 55dB.

- 6.5.23 It is accepted that this represents a worst case scenario and that external areas would not be used for extended periods of time. However the submitted plans do not show the location or specification of any acoustic fence. The applicant has advised that this can be provided in advance of the Committee meeting.
- 6.5.24 Potential odour impact from nearby poultry rearing unit: The proposed crematorium building would be sited approximately 130 metres to the north-east of a large poultry rearing site on the opposite side of the A5(T). Following the Central Planning Committee meeting on 14th March 2019 the applicant commissioned an Odour Assessment which was undertaken by Resource and Environmental Consultants Ltd. The report acknowledges that there is the potential for operations to result in adverse odour impacts at the proposed crematorium site. Odour surveys were undertaken on five separate occasions over four days, at several points around and within the site. These were conducted to coincide with the progressive stages in the poultry life cycle of the broiler operation. The surveys indicated that, during worst case conditions, there were odours detected at areas downwind from the poultry sheds including the proposed development site. The report states that no offensive odours were observed on the development site due to the poultry sheds.
- 6.5.25 The report concludes that, given the limiting factors of weather conditions, livestock lifecycle and the short term nature of the proposed site use, impacts from surrounding odours are considered 'not significant' and do not result in the loss of local development amenity.
- 6.5.26 The report recognises that even infrequent emissions may cause loss of amenity if odours are perceived to be particularly intense or offensive. The odour report does not provide information on the 'offensiveness' of odour from poultry farms. However odour assessments undertaken in respect of other poultry farm proposals have suggested that odours are grouped into three categories: most offensive; moderately offensive; and less offensive; and that those from intensive livestock rearing are classed as 'moderately offensive'.
- 6.5.27 The odour report suggests that some of the odour observations were affected by the spreading of poultry manure on the application site, a practice which would not continue if permission were to be granted. In relation to the observations made at other times, the report notes that odour characteristics, extent and intensity was variable. However it does state that intermittent odour of poultry faeces was noted around the perimeter of the site and described its character as 'unpleasant'. It suggests that the offensiveness of this was 'not offensive'. During a different day the report notes that there were 'frequent', 'slightly unpleasant' odours of ammonia/compost at points around the site perimeter, but again that these were 'not offensive'.
- 6.5.28 In the report presented to the Central Planning Committee at its meeting on 14th March 2019, officers suggested that odour from the poultry unit would be likely to be detectable at times within the grounds of the proposed crematorium. This comment was based

upon the case officer's own site observations. The applicant's odour report indicates similar, but suggests that this should not be viewed as a constraint to planning consent.

6.5.29 In relation to the internal environment of the crematorium, the noise report states that the building would be fitted with an alternative ventilation scheme which does not require the opening of windows. This would also be expected to minimise potential impacts from odour emissions. However at times mourners and visitors would be outside, and officers suggest that the experience of mourners and visitors to the grounds would be adversely affected if there was odour of an unpleasant character in the area. Nevertheless this would be likely to be infrequent and, in the opinion of officers, would not be sufficient in itself to warrant a refusal of the application.

6.5.30 Potential adverse amenity from visible emissions from poultry unit: Concerns have been raised by the Parish Council that smoke passes over the site from the adjacent poultry rearing operation, and that this is caused by the incineration of birds from the site. Photographs of this have been submitted. Officers have discussed this with the operator of the poultry farm who has advised that all of the dead birds are collected by a registered collector and removed from the site, and that the Environmental Permit for the operation does not allow incineration of birds. The poultry operator has advised that the smoke is emitted from the biomass boiler flues at the site which produce a small amount during the start-up and cool down process but during the normal burn period the flues should produce minimal amounts of smoke. The operator has also advised that during cold weather the hot flue gases will condense water vapour when they come into contact with cold air and this will give the impression of plumes of white smoke. In contrast, the applicant has suggested that it is not a regular occurrence and does not happen during the regular start-up and cool down period. The applicant advises that there was a major problem with the boiler on site which, on one occasion, produced excess condensation into the air. Officers consider that there is insufficient evidence of the frequency and extent of this smoke/steam issue to conclude that impacts on the amenity of visitors to the crematorium would be significant.

6.6 Residential and local amenity considerations

6.6.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. It is anticipated that the main source of noise from the crematorium would be from the air blast cooler that would be located externally within the service yard area. All other plant would be located internally. The noise impact assessment concludes that noise levels from the cooler would be below existing background levels, based upon a worst-case assumption, and that no mitigation is required. Other than the potential for heat haze there would be no visible emissions or plumes from the chimney. The cremation plant would include a secondary combustion chamber to minimise odour. As noted below, the facility would require an Environmental Permit to enable it to operate. This would ensure that the cremation process is undertaken satisfactorily in order to minimise emissions. There have been no objections raised by technical consultees to the proposal. The significant separation distance between the crematorium and the nearest houses and public areas is considered to be satisfactory, and it is concluded that the proposal would not adversely affect residential or local amenity.

6.7 Historic environment considerations

- 6.7.1 Core Strategy policies CS6 and CS17 require 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.
- 6.7.2 The submitted Historic Environment Desk-Based Assessment identifies that the proposed development would be intervisible with the scheduled monument at Nesscliffe Hill Camp which is approximately 700 metres to the east. However it suggests that it would not lead to any harm to the significance of the monument or the ability to appreciate the significance of it. In the opinion of Historic England, the impact upon the significance of the hillfort caused by development within its setting would be less than substantial. In these circumstances, para. 196 of the NPPF states that this harm should be weighed against the public benefits of the proposal. Taking into account the increased screening that would occur as the landscaping matures, officers consider that the limited impact on the scheduled monument would be outweighed by the benefits of the development.
- 6.7.3 There are no designated heritage assets within the site. However based upon previous archaeological investigations in the area there is the potential that the site may contain buried archaeological remains, in particular relating to an adjacent ‘linear ditch’ which may continue into the site. The Council’s archaeology officer advises that the proposed site is considered to have moderate-high archaeological potential, and has recommended that a phased programme of archaeological work is undertaken. A condition can be imposed to deal with this, to include a requirement for a geophysical survey of the site and a trial trenching exercise, followed by further mitigation work as appropriate. This would be in line with advice in para. 189 of the NPPF.
- 6.7.4 Officers consider that, subject to the archaeological work and landscape mitigation measures, any proposed harm to heritage assets would be outweighed by the benefits of the development. As such the proposal meets the test set out in para. 196 of the NPPF and is in line with policies CS6, CS17 and MD13.
- 6.8 Traffic and access considerations**
- 6.8.1 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. The application is accompanied by a Transport Statement which identifies the traffic implications of the proposal, based upon existing and expected proposed traffic levels.
- 6.8.2 The new access onto the Holyhead Road includes appropriate visibility splays and its design is satisfactory for the proposed level of traffic. It is considered that the level of car parking provision within the site is appropriate for the anticipated visitor numbers.
- 6.8.3 The Transport Statement advises that typically 95% of the applicant’s funerals are undertaken within the core operational hours of 10:30 to 15:30, and there would be on average four services carried out each weekday. The operating hours of the crematorium would therefore be outside of the morning and evening peak hours. There

would be on average four services per weekday, with each service attracting on average 23 cars. The applicant has predicted that visits to the memorial gardens would be perhaps less than 12 per week, spread out over a longer period than the core service hours, but accepts that these visits would increase proportionally over time. Vehicle movements would be a small proportion of the existing traffic flows on the Holyhead Road and it is considered that this can be accommodated without significant impact on highway safety.

6.8.4 Based upon the predicted catchment area, the population centres and the routes available it is anticipated that around two thirds of mourners attending services would approach from the north. In order to encourage traffic to avoid Nesscliffe it is proposed that travel management measures are implemented. Direction signs would be provided at the site exit and on the highway opposite the exit; and along the Holyhead Road. In addition it is suggested that route details could be provided to all funeral directors, and details given to mourners and on a website, to approach via the Wolfshead roundabout (to the north of the site). There would inevitably be some traffic through Nesscliffe however it is not considered that this would be of a sufficient level to warrant signage on the A5 trunk road roundabout. It is considered that a condition can be imposed to require the submission of a signage and routing strategy, to be implemented before use of the site.

6.8.5 Officers accept that, due to the nature of the journey, travel to a crematorium would be more likely to be made by private car even if there was public transport available. Mourners are likely to car share, and car occupancy levels are likely to be higher than for other forms of development. The NPPF recognises that car sharing is a sustainable transport mode. Nevertheless the site is on a bus route and therefore the site would be accessible by public transport. In addition cycle parking stands would be provided should visitors wish to use this form of transport.

6.8.6 The proposed site is some distance from the main population centres within the catchment. However in terms of wider sustainability considerations, the provision of a new crematorium in this location would result in a reduction in travel distances for mourners whose drive time would be reduced by the facility. Officers consider that this would be an environmental benefit.

6.8.7 The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe. Taking this into account, it is not considered that an objection on highway grounds could be sustained.

6.9 Ecological consideration

6.9.1 Core Strategy Policies CS6 and CS17 seek to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan Policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment.

6.9.2 The site comprises an arable field bounded by hedgerow on three sides and open on

the south-eastern side. There is an area of broad-leaved woodland adjacent to the site along the north-western boundaries. An ecological report has been submitted as part of the application, which includes the findings of an Extended Phase 1 Habitat Survey and a preliminary protected species assessment. The report considers that the habitats within the site, i.e. the arable field, are considered to be of limited ecological value. The perimeter hedgerows have greater ecological potential and the majority of these would be retained.

- 6.9.3 Designated sites: The site lies approximately 7km from the Fenemere Midland Meres and Mosses Ramsar site. The submitted air quality assessment indicates that emissions from the crematorium would be below the threshold that the Environment Agency considers significant for impacts on designated sites. Natural England has confirmed that the proposal would not be likely to have significant effects on this Ramsar site. Officers have undertaken a Habitat Regulation Assessment and this concludes that there is no legal barrier to planning permission being granted. The assessment is included below as Appendix 1. The site lies approximately 700 metres away from the Lin Cann Moss SSSI. Natural England considers that the proposal would not damage this designated site.
- 6.9.4 Great Crested Newt: The arable field is considered to be sub-optimal for Great Crested Newt (GCN). The nearest pond is 55 metres to the west but the A5 trunk road separates this waterbody from the site. Other ponds are more than 250 metres away. The majority of the peripheral hedgerow provides some potential for GCN habitat but the majority of these would be retained. The ecology report has undertaken the Natural England Rapid Risk Assessment and the output of this is that the risk of offence to this protected species is 'highly unlikely'. The ecology report recommends that a precautionary method of works is provided, and officers consider that this would be a proportionate approach.
- 6.9.5 Bats: The loss of the arable field is considered to have negligible impact on bat foraging activity. The perimeter hedgerow and off-site woodland habitat, which would provide foraging and commuting routes, would be retained. The landscaping scheme would enhance the value of the area for bats. A condition can be imposed to require that external lighting is designed to be sensitive to bats, e.g. to control light spill.
- 6.9.6 Birds: The majority of the peripheral hedgerow would be retained, and this habitat would be increased through the substantial landscaping proposed. Legislation is in place to protect active nests of wild birds, and this would need to be adhered to when hedgerow is removed to form the site access.
- 6.9.7 Badger: The ecology survey did not identify any badger setts on site, however in line with the recommendation of the Council's ecologist it would be appropriate to require a pre-commencement check for any new badger activity and this can be dealt with by planning condition.
- 6.9.8 The proposed development would not result in significant impacts on ecological assets in the area. Precautionary measures can be undertaken to minimise risk of harm, and enhancements to biodiversity value would be provided as part of the landscaping of the site which can be secured by a planning condition. The proposal would therefore be in

line with policies CS6, CS17, MD2 and MD12 regarding ecological protection.

6.10 Pollution and water management considerations

- 6.10.1 Core Strategy policy CS6 requires that development safeguards natural resources including air, soil and water. Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity.
- 6.10.2 Air pollution considerations: The NPPF states that the focus of planning decisions should be on whether 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. The proposed crematorium would be regulated under the Environmental Permitting regulations and would require an Environmental Permit to enable it to operate. There is therefore a separate mechanism for controlling the detailed matters relating to the cremation process and in particular air emissions. Nevertheless it is relevant to give consideration to potential air quality issues as part of the planning application process.
- 6.10.3 The submitted air quality assessment report acknowledges that the crematorium has the potential to cause air quality impacts at sensitive locations. This is due to the release of combustion gases from the process. The report advises that impacts have been predicted on a worst-case scenario. It has considered existing background concentrations of air pollutants and taken into account the sensitive receptors in the vicinity of the site (both human and ecological), and the results were compared with the relevant Environmental Quality Standard. It is understood that air pollution emissions from poultry farming, i.e. ammonia, are not included in the maps of background levels. The report confirms that emissions from the plant would comply with the limits for abated crematoriums set out in Government guidance. The report concludes that impacts on existing pollutant concentrations are predicted to be not significant at any location and that air quality impacts should not be viewed as a constraint to planning permission.
- 6.10.4 It should be noted that an application has been submitted for additional poultry rearing buildings at the existing broiler unit to the west of the site, and is currently undetermined. Should permission for the crematorium be granted then this would need to be taken into account when a decision on the proposal for additional broiler buildings is made.
- 6.10.5 Surface water drainage: The site lies within Flood Zone 1 denoting areas with a low risk of flooding. Given the size of the site a Flood Risk Assessment (FRA) has been submitted in line with national requirements. As noted in the FRA, proposals involving buildings uses for professional and other services are classed as ‘less vulnerable’ developments. National guidance confirms that these are appropriate in Flood Zone 1.
- 6.10.6 The proposed development would utilise sustainable drainage techniques for surface water management. Surface water runoff would be attenuated on the site and infiltrate to ground. When the infiltration capacity of the underlying strata is reached, ‘excess’ flow would discharge to the adjacent drain. Permeable paving would be used in each of the main car parking areas together with French drains alongside access ways to capture overland flow.

A lined pond is proposed at the north-western corner of the site to provide attenuation

6.10.7 storage. A bund would be constructed between the pond and the A5 to prevent exceedance flows impacting on the public highway. A 'crate' system would be constructed adjacent to this to deal with overflow. This system would itself also have an overspill comprising a shallow depression. The water supply would be from the public mains supply. Highways England has confirmed that the proposed drainage works, which would be close to the trunk road boundary, are acceptable in principle. Detailed designs can be agreed as part of a planning condition.

6.10.8 Foul drainage: There is no mains foul water drainage system within close proximity of the site. A package treatment plant would be installed and treated effluent would be discharged to ground via a drainage field.

6.10.9 Ashes management: It is anticipated that 10-20% of cremated remains would be scattered or interned on site. A condition can be added to the decision notice to prohibit disposal of ashes within specific distances to water supplies and watercourses, as recommended by the Environment Agency.

6.10.10 No objections have been raised by the Council's drainage consultant, the Public Protection team, or the Environment Agency and it is considered that the proposal does not raise significant land-use planning issues in respect of pollution and water management. Further control over emissions would be regulated by the required Environmental Permit.

6.11 Financial contributions

6.11.1 It is noted that the Parish Council has requested that funding is secured for traffic calming, better signage, open space projects and community facilities and projects (e.g. funding for meeting spaces such as the Village Hall which are likely to be used by funeral parties). Officers do not consider that this proposal meets the tests for requiring financial contributions, as set out in regulations. These require that legal agreements to secure such contributions are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

7.0 CONCLUSION

7.1 The planning application for a crematorium on land to the north of Nesscliffe would provide an additional facility to serve the local communities in the Oswestry and Shrewsbury areas. The independent assessment of need has identified that there is clear evidence of a compelling quantitative need for a new crematorium at Nesscliffe to meet current levels of demand, let alone the projected sustained future increases in demand due to increased deaths. It also states there is a compelling qualitative need. Officers accept these conclusions and consider that a countryside location can be justified in relation to Core Strategy policy CS5.

7.2 The proposed siting meets the criteria as set out in the Cremation Act 1902, and the design and layout of the development is generally acceptable. It is considered that satisfactory access can be provided to the public highway, and that the local highway network can accommodate the anticipated traffic that would be generated. Whilst it is accepted that the site is some distance from the main centres of population, the site is

well located in relation to principal highways and is in a generally accessible location, and sustainable transport modes would be likely to be used.

- 7.3 The Habitat Regulations Assessment, included as Appendix 1, considers that there is no legal barrier to planning permission being granted in relation potential impacts on designated ecological sites, and enhancements to biodiversity would be provided through landscaping measures. Satisfactory information has been submitted to demonstrate that the siting is acceptable in relation to likely air emissions from the cremator, and detailed regulation of this process would be provided through the required Environmental Permit. The proposal would not adversely affect residential amenity, and the design would incorporate acceptable sustainable water management measures, the precise details of which can be agreed by planning condition.
- 7.4 In terms of impacts, the proposed development would result in adverse landscape and visual effects on some areas initially, and these are considered to be substantial adverse in relation to visual effects from the Nesscliffe Hills to the east. It is considered however that these impacts would be mitigated in the longer term to a level which is not significant through substantial landscape planting, and that this mitigation is appropriate.
- 7.5 The proposal would have some impact on the iron Age Hillfort on Nesscliffe Hill, a scheduled ancient monument, due to development within its setting. This harm is considered to be less than substantial and, in line with the requirements of para. 196 of the NPPF, officers consider that this harm would be outweighed by the benefits of the proposal.
- 7.6 Account has been taken of the substantial concerns of the MOD. Whilst not objecting to the proposal they have concerns that external elements of crematorium services would be significantly affected by helicopter operations. The MOD has identified that flying activity in the area is likely to increase significantly by late 2019/ early 2020 and has concerns that the facility may experience unavoidable noise and disturbance from both low flying aircraft and the training area. Details of mitigation against noise levels from the road, which is likely to include the erection of a 2.4 metres high fence, have not been provided at the current time.
- 7.7 In addition, on occasions it is likely that mourners and visitors would notice odour of an unpleasant nature from the adjacent poultry rearing operation, and the road noise from the adjacent A5(T) during times when they are outside the building. This is likely to adversely affect the experience of mourners and visitors to the crematorium.
- 7.8 On balance, officers consider that the overall benefits of the scheme, including in meeting a need for additional crematorium capacity in this general area and by providing biodiversity enhancements, are sufficient to outweigh the impacts. In the planning balance therefore, officers consider that the proposed development can be supported in relation to Development Plan policy and other material considerations including the NPPF, and that planning permission can be granted subject to the conditions set out in Appendix 2.
- 8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

determining this planning application – in so far as they are material to the application.
The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD8 - Infrastructure Provision
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

PREAPP/18/00421 Creation of a new crematorium to serve Oswestry and north west Shropshire with associated access, car parking and landscaping PREAMD 25th September 2018
18/04543/SCR Creation of a new crematorium for Oswestry with associated access, car parking and landscaping EAN 20th November 2018

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 APPENDIX 1 – Habitat Regulations Assessment APPENDIX 2 - Conditions
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Habitats Regulations Assessment (HRA) Screening Matrix

1.0 Introduction

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the project at Proposed Crematorium North Of, Nesscliffe, Shrewsbury (18/04965/FUL) undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

Date of completion for the HRA screening matrix:

19th December 2018

HRA screening matrix completed by:

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2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

2.1 Summary Table 1: Details of project

Name of plan or project	18/04965/FUL Proposed Crematorium North Of, Nesscliffe, Shrewsbury, Shropshire
Name and description of Natura 2000 site	Fenemere Midland Meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water. Fenemere is also important for its rich aquatic invertebrate fauna. It is included within the Ramsar Phase for its open water, swamp, fen, wet pasture and Carr habitats with the species <i>Cicuta virosa</i> and <i>Thelypteris palustris</i> .
Description of the plan or project	Erection of a new crematorium with associated access,

	car parking and landscaping
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

2.2 Statement

Fenemere Midland Meres and Mosses Ramsar Phase 1 lies approximately 7km to the north-east of the proposed development site.

As stated by Natural England in their consultation response, the air quality assessment submitted in support of the application indicates that the emissions will be below the threshold that the Environment Agency considers significant for impacts on designated sites.

The proposed development site does not lie within the water catchment for Fenemere and there is no surface water link between the site and Fenemere.

No increase in recreational pressure is anticipated as Fenemere is not publicly accessible.

It is concluded that there are no pathways between the development and Fenemere which could cause an effect, alone or in-combination with other plans or projects. An appropriate assessment (HRA Stage 2) is therefore not required.

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

3.0 Guidance on completing the HRA Screening Matrix

The Habitats Regulations Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitats Regulations Assessment of Local Development Documents (Revised Draft 2009).

Habitats Regulations Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulations Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

APPENDIX 2 - Conditions**STANDARD CONDITION(S)**

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to changing ground levels within 5 metres of the trunk road highway boundary and/or crest of the A5 Earthwork, a detailed assessment of slope stability and water retaining soil bund design will be prepared in accordance with HD22/08 Managing Geotechnical Risk, BS6031:2009 Code of Practice for Earthworks, BSEN1997-1 +A1:2013 Geotechnical Design and BS8002:2015 Code of Practice for Earth Retaining Structures and submitted to and agreed in writing with the local planning authority and Highways England. The ground alterations works must be implemented in accordance with the approved plans prior to use of the development.

Reason: To maintain and protect the structural integrity, and thereby the safe operation, of the Strategic Road Network.

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

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding; to ensure compliance with requirements set out in DfT Circular 02/2013 paragraph 50; to ensure the continued safe operation of the SRN.

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

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

6. No development shall take place until a Soil Resource Plan for the site has been submitted to and approved in writing by the local planning authority. The approved Plan shall be carried out as approved. The details shall include:

- the areas of topsoil and subsoil to be stripped;

- the methods of stripping;
- the location and type of each soil stockpile;
- the soil replacement profiles;
- the means of preventing soil compaction.

Reason: This will ensure the soils are in the optimum condition to promote healthy plant growth, and long-term site screening.

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

7. No above ground work shall be undertaken until details of the noise mitigation measures to the proposed crematorium building and grounds, to include glazing, alternative ventilation and acoustic barriers, have been submitted to and approved in writing by the local planning authority. The building shall not be brought into use until the mitigation measures have been completed.

Reasons: The proposal may be sensitive noise receptors to existing traffic noise on the SRN and other noise in the area. The condition is to protect future occupiers from the potential noise impact from existing uses.

8. No above ground works shall commence until samples and/or details of the roofing materials and the materials to be used in the construction of the external walls, doors and windows 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.

9. The use of the crematorium shall not commence until the bicycle stands, including any covers proposed, have been constructed in accordance with a scheme to have received the prior written approval of the local planning authority.

Reason: To ensure a satisfactory appearance of the development and facilitate the use of the site by cyclists in the interests of sustainable patterns of travel.

10. No above ground works shall take place until a detailed hard and soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

- the materials to be used for all paved surfaces;
- plant species, sizes, densities, method of cultivation and planting, means of protection and maintenance, and programme for implementation. This is for all grassed areas, tree, shrub and hedgerow planting, including inter-planting gaps in the existing hedgerows.
- area proposed for memorial planting and list of species proposed for this area.

Other than memorial planting, the landscaping shall be maintained for a minimum period of 5 years. Maintenance shall include the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes seriously damaged or

defective. The replacement shall be another plant of the same species and size, and at the same location, as that originally planted.

Reason: To ensure the implementation and protection of the landscaping of the site in order to protect the visual and landscape character of the area.

11. The development hereby permitted shall not be opened for operation until a signage and routing strategy for the local highway authority roads has been submitted and agreed with the local planning authority and the physical measures implemented in accordance with the agreed strategy. The crematorium shall not be operated other than in accordance with the approved strategy.

Reason: To help minimise the amount of traffic using the Holyhead Road through Nesscliffe.

12. Prior to the development hereby permitted being first brought into use, the access layout and visibility splays shall be implemented in general accordance with the Drawing OSWO1_P003 rev F.

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

13. Prior to the commencement of the use hereby permitted a visibility splay measuring 215 x 2.4 metres to the nearside carriageway edge shall be provided to each side of the access where it meets the Holyhead Road and such splays shall thereafter be maintained always free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

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

14. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the spaces shall be maintained thereafter free of any impediment to its designated use.

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

15. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

16. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition), and minimise light pollution. 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. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

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

17. Condition: All internment or scattering of ashes shall not take place within a minimum distance of: 50 m from a potable supply (including wells and boreholes); 30 m from a water course or spring; a minimum of 10 m distance from field drains. Internments shall take place within the unsaturated zone (between the land surface and the water table).

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

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. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

4. Highways England advice:
In relation to the proposed bund, Highways England has advised that the principle of this appears acceptable, however, as the bund is located with 5 metres of the SRN Boundary, detailed design of the proposed water retaining soil bund and a supporting slope stability assessment in accordance with DMRB standard HD22/08 Managing Geotechnical Risk must be provided to demonstrate the structural integrity of the earthwork is sound for its intended

purpose, and that it will not impact on any SRN assets or the safe operation of the A5 in accordance with DfT 02/2013 para 49.

5. Highways advice:

i. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to: construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

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

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

ii. Mud on highway

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

6. Environment Agency advice:

Pollution / enforcement note: Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers under the Environmental Permitting Regulations 2010 to take action where groundwater pollution occurs, or is likely to occur.

If pollution was to occur, Section 161, Water Resources Act 1991 empowers us to recover all costs reasonably incurred in:

- carrying out works, operations or investigations to prevent pollution of surface waters or groundwater;
- undertaking remedial action following a pollution of surface waters or groundwater.

Should we be required to undertake such work we would be able to recover these from the company or person responsible.

Advice to Applicant: Dewatering the proposed excavation (if required) may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Should the proposed activities require dewatering operations, the applicant should locate all water features and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features.

The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. On 31st October 2017, DEFRA/Welsh Government (WG) announced that

the transitional arrangements for licensing of the currently exempt abstractions for trickle irrigation, quarry dewatering, geographically exempt areas and other exempt abstractions will come in to force on 1st January 2018. The applicant should contact the National Permitting Service (NPS) to confirm the legal requirements. When scheduling their work, the applicant should be aware that it may take up to 3 months to issue an abstraction licence.

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

7. Ecology team advice:

Nesting birds

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

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

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

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

General site informative for wildlife protection

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

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

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

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

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

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

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

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

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

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

Landscaping

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

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Committee and date
 Central Planning Committee
 4 July 2019

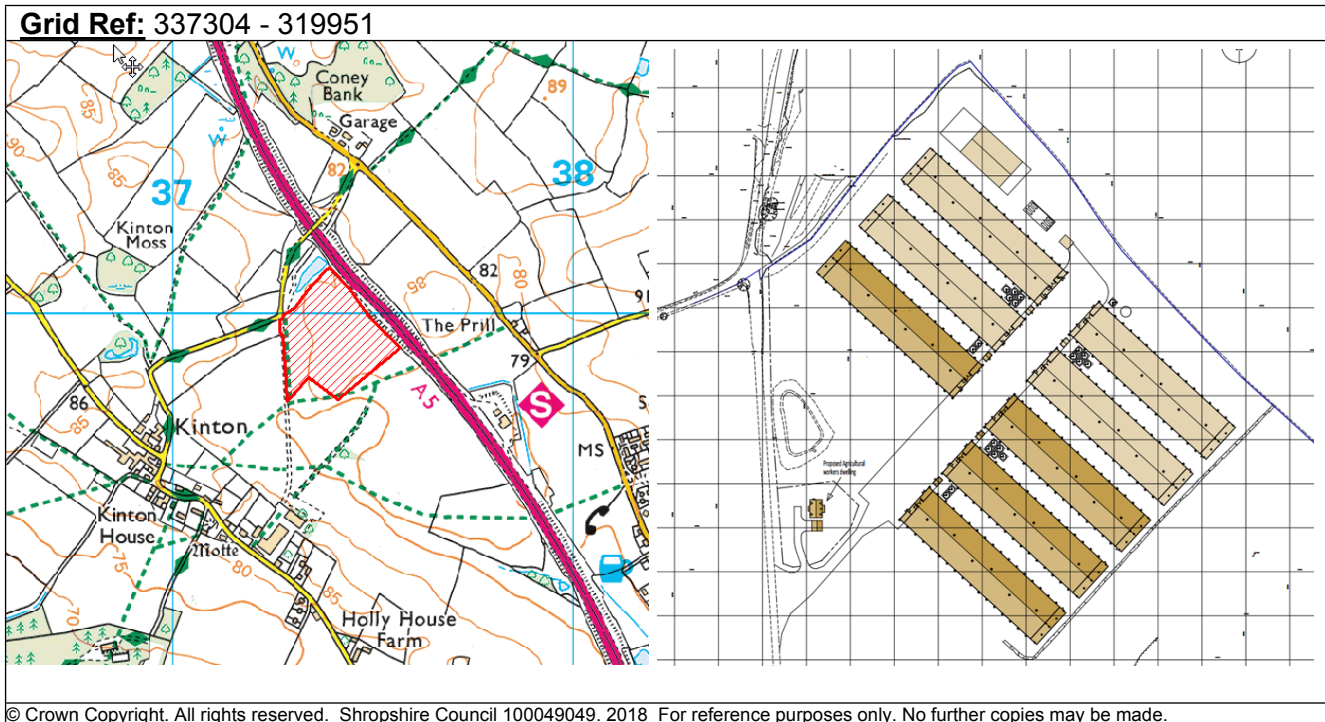
Item
6
 Public

Development Management Report

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

Summary of Application

<u>Application Number:</u> 18/00130/EIA	<u>Parish:</u>	Great Ness
<u>Proposal:</u> Erection of four poultry rearing buildings, nine feed bins, an agricultural workers dwelling, landscaping scheme and all associated works		
<u>Site Address:</u> Land North East Of Kinton Shrewsbury Shropshire		
<u>Applicant:</u> Great Ness Poultry Ltd		
<u>Case Officer:</u> Kelvin Hall		<u>email:</u> planningdmc@shropshire.gov.uk



Recommendation:- Refuse for the following reasons:

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 dust and particulate emissions. It is considered that insufficient information has been submitted to 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.

Insufficient justification has 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. Furthermore it is not considered that the design of the proposed dwelling is appropriate for this rural location. The proposal is therefore contrary to Development Plan policies CS5, CS6 and CS17, SAMDev Plan policies MD7a and MD13, and the adopted Type and Affordability of Housing SPD.

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

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 proposal also includes an agricultural workers dwelling and detached garage. 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 108 metres x 25 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 3.4 metres wide with a total height of 9.3 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 dwelling would be situated approximately 40 metres to the west of the proposed new poultry sheds. It would be a three bedroom property of red brick construction with a tile roof. It would measure 10.3 metres wide x 8.3 metres deep, with a floorspace of 130m². At ground floor it would include living room, hall, open kitchen and dining room, farm office, farm wash room and shower. At first floor it would include three double bedrooms, one with an en-suite, and a separate bathroom.

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 280 metres to the south-east, on the opposite side of the A5(T). Other properties lie approximately 300 metres to the north-east, 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>

- 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.

- 4.1.7 **SC Ecologist** Recommends refusal, based on the level of information currently provided with the planning application. (Full comments are available on the planning register).

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.

The planning case officer cannot conclude that the planning application will not be contrary to MD12, CS17 and NPPF due to impacts on Natural Assets (Ancient Woodland and Local Wildlife Sites).

SC Ecology will provide formal comments regarding the Ecological Impact Assessment prepared by Churton Ecology (October 2017) if required by the planning case officer.

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.

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.

No assessment of PM10 has been carried out. If no assessment is provided I recommend that the residential dwelling proposed with this application is refused as it may be that future residents including any children would be subjected to pollutants that impact on their health. Alternatively the applicant can provide a full assessment of PM10 modelling the impact of the proposed installation and background levels of PM10 or propose moving the residential dwelling more than 100m from the nearest shed ventilation point.

I am still in the position of recommending a noise and odour assessment and a PM10 assessment.

Once these assessments have been submitted please consult me for comment.

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

One neutral representation has been received:

- 4.2.3
- 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

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

4.2.4

- 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.

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, and 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. 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: Core Strategy policy CS5 and SAMDev Plan policy MD7a provide support for agricultural workers dwellings in the countryside subject to certain criteria being met. The latter requires that there must be no other suitable and available affordable dwellings or other buildings that could meet the need. In addition to an additional dwelling on the farm, a functional need should be demonstrated. There is a requirement that the dwelling defaults to an affordable dwelling if no longer required. The NPPF states that isolated homes in the countryside should be avoided unless, amongst other things, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 6.2.5 The applicant, as specified on the application form, is Mr Warner of Great Ness Poultry Ltd. The submitted Assessment of Need report confirms that the business trading name is Great Ness Poultry Ltd., a farm unit based in Great Ness, and the farming enterprise is the rearing of broiler chickens. Planning permission for an agricultural workers dwelling at the Great Ness poultry unit was granted in 2015. The permitted size of the dwelling is 130m².
- 6.2.6 The application states that it is essential for a farm manager to reside at Kinton in order to provide constant supervision of the birds, both during and outside of normal working hours and to attend to emergencies. The dwelling would have a floorspace of 130m², and include a farm office, shower room and farm wash room. The application suggests that this size of house is permitted where the residence is the 'principal dwelling for a rural enterprise'. The applicant has made reference to a report which was provided by agricultural consultants, commissioned by the planning authority, to assess the need for an agricultural workers dwelling at the applicant's poultry site at Great Ness. This report, produced in 2014, confirmed that there was a need for a permanent agricultural workers dwelling to support the operation which comprises seven poultry buildings accommodating 350,000 birds.
- 6.2.7 The adopted Type and Affordability of Housing SPD provides details of the policy on agricultural workers dwellings. In order to meet policy tests, applicants are required to demonstrate that a dwelling at the business is essential by showing a functional need for the occupier to be present at the business for the majority of the time ("time" being 24 hours a day, 7 days a week). The SPD states that permission will not normally be granted if the need could be accommodated by existing buildings. It states that workers dwellings should aim for a maximum gross internal floorspace of 100m², and that this is reasonable as it is the size needed to meet the needs of 6 persons (under the Homes and Communities Agency guidelines) and is larger than the national average of 76m².

- 6.2.8 The SAMDev Plan differentiates between a primary dwelling to serve a business, and an additional dwelling which is to provide further accommodation for a worker and is essentially a type of affordable dwelling. The Council's affordable housing team have considered that, as the proposed development forms part of the larger business (of Great Ness Poultry Ltd.), if any new dwelling is needed it should be a secondary dwelling. It is expected that the dwelling would revert to a standard affordable dwelling if no longer required. As such its floorspace should be consistent with such houses, i.e. 100m².
- 6.2.9 Officers acknowledge the comments in the submitted Assessment of Need report but do not consider that sufficient justification has been provided for the agricultural workers dwelling. Officers consider that the existing agricultural workers dwelling at the poultry farm at Great Ness is the primary dwelling for the applicant's business. This dwelling is a 5 minute drive from the application site, and it is not clear why this cannot meet the needs of the business. No information has been provided as to whether there are other suitable buildings available in the area. In addition, the need for a building with a floorspace which significantly exceeds the policy guidance has not been sufficiently justified. It is noted that the dwelling includes a farm office and it is not clear why this is required given that there is one within the existing permitted poultry buildings, and other mess facilities within each of the proposed poultry buildings.
- 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. 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.
- 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 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 EA 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. Officers therefore consider that the Environmental Statement is deficient as it does not meet the requirements of 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.

- 6.4.7 Noise: 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 falls short of the legal requirements of the EIA regulations, details of which are set out in section 6.1 above. In order to address this, officers have requested that a noise assessment is undertaken as part of the EIA process. In response, the applicant has submitted the Noise Management Plan (NMP) which was prepared as part of the application to the EA 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.
- 6.4.9 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. As such officers consider that the Environmental Statement is deficient in this aspect.
- 6.4.10 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 EA 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. Officers therefore consider that the Environmental Statement is deficient as it does not meet the requirements of the EIA regulations.
- 6.4.11 The suggestion in the Environmental Statement that the nearest residential curtilage is more than 575 metres from the site is a significant inaccuracy. Dwellings at The Prill, to

the east of the site, are approximately 200 metres closer than this, at approximately 375 metres. There are other properties approximately 400 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. Officers do not consider that satisfactory justification has been provided for not assessing noise impacts as part of the EIA.

6.4.12 **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. The Environmental Statement does not quantify the amount of manure that would be produced, and the locations where this would be spread. It does not assess what the impacts of this indirect element of the proposed development would be. Officers formally requested that further information is submitted regarding manure management, to meet EIA requirements. However this has not been forthcoming. The Environmental Statement is therefore deficient in respect of this matter.

6.4.13 **Dust and particulates:** The Public Protection Officer has raised concern over the potential impacts on health of residents of the proposed farm workers dwelling from exposure to particulates from the facility, given that it would be situated within 100 metres of the units. In order to seek to address this, the officer has recommended that a particulate modelling assessment is undertaken. Alternatively the position of the dwelling could be moved further from the poultry buildings. The applicant has submitted revised plans showing an alternative location for the dwelling, however this falls outside of the application site boundary and the boundary has not been amended to take this into account. Therefore this cannot be accepted as part of the current application. The assessment has been requested but has not been submitted. It is therefore considered that there insufficient information has been provided to be able to demonstrate that there would not be an adverse health impact on occupiers of the dwelling from particulate emissions from the development.

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. In terms of the agricultural worker's dwelling, the officer has raised concerns over the proposed design and has recommended that a simpler, more traditional farmhouse design is put forward which is more in keeping with its rural context.

6.5.4 As noted above, it is considered that the proposed dwelling is not an acceptable part of the development. Officers have recommended that the applicant submits a revised design to address concerns raised, however nothing has been submitted.

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. Furthermore, it is considered that the additional traffic that would be generated by the proposal can be accommodated on this route, without adversely affecting highway safety or causing unacceptable local disturbance.

6.6.5 It is considered that, if permission were to be granted, conditions could be imposed to require that these highways matters, including highway widening and HGV routing, are

satisfactorily resolved prior to the development being implemented.

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 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.

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, nine feed bins and an agricultural workers dwelling 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 dust and particulates 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 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 Insufficient justification has 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. Furthermore it is not considered that the design of the proposed dwelling is appropriate for this rural location.

7.5 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.

7.6 In conclusion, on the basis of the above, officers consider 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:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
CS17 - Environmental Networks
MD2 - Sustainable Design
MD7A - Managing Housing Development in the MD7A
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

18/00130/EIA Erection of four poultry rearing buildings, nine feed bins, an agricultural workers dwelling, landscaping scheme and all associated works PCO

11. Additional Information

[View details online:](#)

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

Local Member Cllr Ed Potter

Appendices None



<u>Committee and date</u>
Central Planning Committee
4 July 2019

<u>Item</u>
7
Public

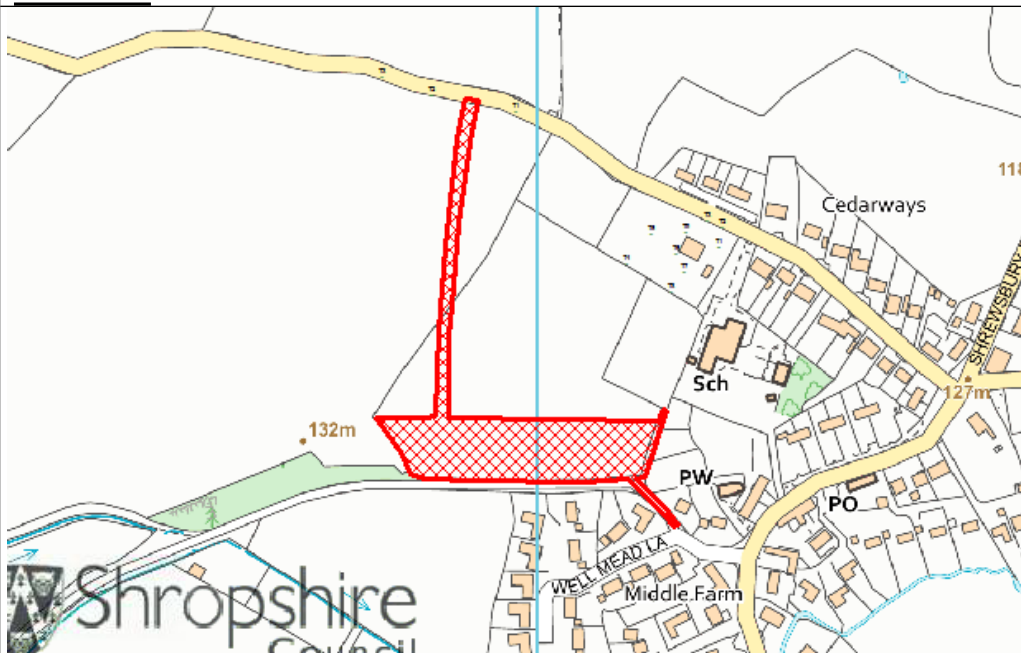
Development Management Report

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

Summary of Application

Application Number: 16/02395/FUL	Parish:	Longden
Proposal: Erection of 5 No bungalows and associated infrastructure (amended description).		
Site Address: Land Off Manor Lane Longden Shrewsbury Shropshire		
Applicant: Mr & Mrs D Jones And Mr P Jones		
Case Officer: Frank Whitley	email: planningdmc@shropshire.gov.uk	

Grid Ref: 343992 - 306425



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Annex A: Copy of Report considered by Planning Committee 28 September 2017.**Recommendation:- Refuse**

Recommended Reasons for refusal

1. The development would exceed the housing guideline numbers for the Parish given by S16.2(xi) of the adopted SAMDev Plan, and in the overall planning balance, including having regard to the requirements of MD3 para 2, there are insufficient benefits arising from the development to justify exceeding the guideline numbers. Consequently, the development fails to accord with the relevant adopted policies of the development plan relating to the location of new housing development and to NPPF, in particular Chapters 2 and 12.
2. The development would constitute an unwarranted and inappropriate encroachment into a larger undeveloped field and would not assimilate into its immediate setting for reasons of layout and undefined boundaries. Furthermore the site is detached from the adopted public highway and the proposed construction access arrangements are not considered appropriate, which are negative considerations in the overall planning balance. Accordingly, the development fails to accord with CS4, CS6, MD2 and the NPPF.
3. Due to the absence of a complete ecological report, it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981. The development therefore fails to accord with the requirements of the NPPF, CS17 and MD12.

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission for the Erection of 5 No bungalows and associated infrastructure (amended description). The single storey dwellings are to have 3 bedrooms each.
1.2	Since its first submission in June 2016, the application has seen several amendments, and it was considered by Planning Committee on 28 September 2017. Shortly before that Committee, new information came to light which led the Officer to change the recommendation from approval to deferral. Members resolved to defer a decision as per recommendation. This report should be read in conjunction with the report considered on 28 September 2017. A copy of the report is attached at Annex A.
1.3	The application site fronts the north side of Manor Lane which leaves Shrewsbury Road to the west near the centre of Longden village. The 5 bungalows are to be set out along a new internal road with turning space at each end.
1.4	The latest amendment considered in this report proposes an alternative access for construction traffic routed from Plealey Lane to the north. This temporary access and track serves the site so that heavier construction vehicles do not have to pass over the rooting area of a protected veteran oak tree situated on the edge of Manor

	Lane. It is therefore intended that root protection measures otherwise required for heavy construction vehicles are not necessary. The new access on Plealey Lane will be formed approx. 200m beyond The Rectory. The temporary access track will be 230m long across flat farmland. A field boundary hedge would have to be opened to provide access into the larger field containing the application site. A temporary construction compound would be formed immediately outside and to the west of the development site.
1.5	The applicant has stated he owns the development site. Members may recall that at the time of first submission, the applicant carried out a Land Registry Search to identify the owner of Manor Lane, which needs to be used to reach the development site. Without an identified owner, it would in theory have been possible for Shropshire Council to grant planning permission. However in July 2018, Officers carried out a Land Registry search and identified a neighbouring landowner having title to the access route and that part affected by the protected tree roots. Crucially, this landowner has objected to the development. Accordingly, without sufficient prospect of essential tree protection works being allowed on third party land within the time frame of a permission, it became evident to Officers that planning permission could not be granted.
1.6	The current proposal seeks to overcome the above difficulty by routing construction traffic from Plealey Lane instead. Once the development is completed, the temporary access and track would be removed and land restored to its previous condition. Thereafter, normal (lighter) domestic traffic is intended to use Manor Lane without causing compaction damage to the roots of the protected veteran oak tree. The new proposals are set out in an accompanying planning statement received 22 March 2019.
1.7	Since it was first submitted, the application drainage proposals have been amended in favour of a package treatment plant/soakaway instead of mains foul water connection.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site lies on the west side of Longden on agricultural land between the Well Mead Lane residential development and Plealey Lane to the north. The land is graded as moderate value (Grade 3 Agricultural Land Classification)
2.2	From Shrewsbury Road which leads through the village, the site is accessed by Manor Lane. The first 50m is adopted to the point of the junction with Well Mead Lane. Thereafter, Manor Lane is a private track which continues to Longden Manor, some 1.5km further west.
2.3	A public footpath leads from Manor Lane along the eastern side of the development site, past Longden CofE Primary School and connects with Plealey Lane to the north.
2.4	The veteran protected oak mentioned above lies on the south side of the application site and its root system extends across Manor Lane.

2.5	When the application was first submitted, the owner of Manor Lane could not be identified. As per correct procedure, the application was advertised in the press and a site notice displayed on 21 June 2016.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution. At its meeting on 28 September 2017, Members of the Planning Committee resolved to defer a decision regardless of Officer recommendation.
4.0	Community Representations
	Consultee Comments
4.1	Parish Council- objection
	Comment:Longden Parish Council Object to this application for the reasons listed below, The proposal is in conflict with the Longden Village Design Statement which says that development within the village should be only up to three properties. This development is outside the proposed village HUB development boundary. The SAMDev plan agreed 10-50 properties for the Parish between 2010-2016 and over 60 properties have been built already. The proposed temporary road will increase traffic on School Lane and set a precedent. Access, once the development is completed will still have a detrimental effect on the protected Oak tree.
4.2	Highways- further information required
	Observations/Comments: 18/04/2019 The highway authority previously offered no objection to the proposed development of 5 bungalows off Manor Lane in comments dated 17th May 2017 subject to conditions and informatives. The developer has now proposed the construction of a temporary access road to the site from Plealey Lane to the north to facilitate the erection of the dwellings. From a highways perspective we have the following comments on the proposed temporary access: <ul style="list-style-type: none"> • It is considered that the temporary access onto Plealey Lane indicated on the submitted plans is inappropriate for the location and for its temporary nature. • The use of this temporary access would be likely to impact on more properties and all construction traffic would be routed past Longden CE Primary School. • It has not been clearly demonstrated that access onto Manor Lane for construction traffic has been fully explored.
4.3	Conservation- no objection subject to conditions
	Thank you for consulting Conservation on the above application. We will not be commenting in full in this case however: <ul style="list-style-type: none"> -The proposed development site lies on the western edge of the village of Longden on an area of currently undeveloped farmland. -The grade II listed church of St Ruthen lies to the east of the site, although is relatively well screened from the development site by its surrounding church yard,

	<p>trees and hedging. As such, there would not be direct inter-visibility between the listed church and the development site as currently proposed, and therefore the direct impact on the character and setting of the church would likely be considered to be neutral. Nevertheless, the currently undeveloped area of farmland does contribute to the wider open and rural setting of the church, and lies adjacent to what appears to have been a historic route into the churchyard and across to its associated Rectory to the north.</p> <p>-If consent were minded to be approved we would recommend that conditions are placed on all external materials and landscaping/boundary treatments, to ensure the development does not appear out of context with its surroundings.</p> <p>-We would also note that should further development be considered on the site, extending further to the north, the impact on the character and setting of the listed church would need further consideration and we would recommend that a heritage impact assessment be undertaken to assess the impact on views into/ out of the church etc.</p>
4.4	SUDS/Flood and Water Management- no objection
	<p>Case Officer Comment: Initially a connection to mains foul water disposal was proposed. This scheme was dispensed with on account of possible damage to tree roots. Instead a package treatment plant is proposed.</p> <p>The amended Proposed Site Plan Rev.D showed a temporary access road and a construction compound been added. The proposed layout for Plots 1 to 5 remained unchanged. Our drainage comments dated 30 August 2017 remained the same.</p> <p>Comments from SUDS 30 August 2017: The proposed surface and foul water drainage systems are technically acceptable.</p>
4.5	Ecology- objection
	<p>Additional information is required relating to ecology. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.</p> <p>The proposed access track has been altered, the original ecological report does not cover this area. An update is required from an ecological consultant. Any additional surveys recommended by the ecologist are required upfront prior to a planning decision being made:</p> <p>An ecological assessment should consist of:</p> <ul style="list-style-type: none"> ☐ Extended Phase 1 habitat survey, habitat map and target notes on any significant biodiversity or geological features + ☐ a desk study of historical species records and local, regional or national wildlife designated sites (distance – 1 or 2 km?)+ ☐ Supplementary detailed surveys (phase 2 habitat surveys, protected or priority species or geological features as appropriate to the site) + ☐ Evaluation of the importance of biodiversity or geological features present at a local, regional, national, international level + ☐ Analysis of the direct and indirect impacts of the development (during

	<p>construction, working area, additional infrastructure and post construction) +</p> <ul style="list-style-type: none"> ② Proposed avoidance, mitigation or compensation measures, including method statements where appropriate + ② Legal implications such as the need for European Protected Species Mitigation Licences or other licences (e.g. badgers) + ② Proposed biodiversity or geodiversity enhancement measures. <p>The Ecological Assessment should be carried out by a qualified and experienced ecologist with the relevant protected species licenses. The Ecological Assessment should be submitted to the Local Planning Authority prior to a planning decision being made.</p>
4.6	<p>Rights of Way- no objection informatives only</p> <p>Public Footpath 33 Longden has been correctly identified on the block plan. The legally recorded line of the path will not be affected by the application. It is noted that it is proposed to surface part of the route with macadam to provide a suitable path to the adjoining school. There is no objection to the upgrading of the surface of the route to a minimum width of 1.8 metres. It is also noted that the new access to the proposed development will cross the line of the public footpath and it would be advisable to erect signage to alert drivers of vehicles entering and leaving the site that the footpath crosses the access. Please note that if the public footpath cannot be safely kept open during the development of the site/surfacing of part of the route, the applicants should apply to the Mapping and Enforcement Team for a temporary closure of the route. Please ensure that the applicants adhere to the following criteria in respect of the footpath:-</p> <p>Please ensure that the applicant adheres to the criteria stated below:</p> <ul style="list-style-type: none"> · The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards. · Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times. · Building materials, debris, etc must not be stored or deposited on the right of way. · There must be no reduction of the width of the right of way. · The alignment of the right of way must not be altered. · The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged. · No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.
4.7	<p>Trees- no objection</p> <p>Comments received 21.6.19 I have reviewed the submitted Arboricultural Method Statement and consider that the tree protection measures are acceptable. Therefore no objection is raised to the proposed development.</p> <p>Comments received 17.4.19 The revised site layout now seeks to utilise a temporary route, from Plealy Lane to allow construction traffic to access the site and thus negate the need to substantially upgrade the route from Wellmead Lane, which is now intended to serve as the residential access to the proposed dwellings but not to be used for construction traffic.</p>

	<p>The use of this existing access track and the requirement to upgrade it to provide a sustainable access to the site and the potential impact on the adjacent veteran oak tree has been the primary consideration of last iteration of this application, as other issues were satisfactorily resolved through previous changes.</p> <p>It is also worth noting that the arboricultural information submitted following the use of the tree root radar system, in support of the use of cellweb to upgrade the track, is considered to satisfactorily demonstrate that this approach could be taken without significant risk of harm to the tree.</p> <p>I have reviewed the submitted details and would agree that the temporary access can be installed without significant impact to existing trees, although there will be a loss of hedgerow along Plealy Lane. This would need to be reinstated once the access route was no longer needed.</p> <p>In terms of the proposals for the Wellmead Lane access, it is accepted that the access track is already well compacted and the additional traffic from the site would not significantly increase compaction and harm to the rhizosphere of the oak tree. However, there would still be a need to undertake some work within the RPA of the tree, in order to connect the existing track to the proposed new site access and also it is not clear if the existing track will be surfaced? The AIA will need to be updated to consider these points and also include tree protection details for the revised site layout.</p>
	<p>Case Officer note: The Trees Officer has also assessed the final drainage plans and confirmed they are mutually compatible with tree protection measures.</p>
4.8	<p>Ramblers Association- no comments received</p>
4.9	<p>Public Comments</p>
	<p>Longden Village Action Group (LVAG)</p>
	<ul style="list-style-type: none"> ☒ Questions remain as to how the unadopted land will be improved without consent from the street manager. ☒ Excessive number of dwellings proposed for private drive access ☒ Central government wishes to avoid the proliferation of private streets ☒ Current vehicle numbers using Manor Lane have been overestimated ☒ Footpath link to school is only a permissive path, not a public right of way and so possibility of footpath improvements is overstated. ☒ Questions over effectiveness of submitted drainage scheme ☒ Inaccuracies in scale and measurements in submitted block plan. ☒ Layout of access from development site onto Manor Lane has changed and is inherently unsafe
	<p>Approx 48 individual objections have been received in addition to those made by LVAG. Objections cover the following issues. Previous concerns raised into the provision of the root “bridge” are superseded by the latest access route proposals, hence are not included.</p>

	<ul style="list-style-type: none"> ❑ Site is valued by walkers and will harm the character of the village ❑ Manor Lane is in the Marches Way which forms part of the Shropshire Way Path. The development will reduce safety and enjoyment ❑ Potential harm to veteran oak by installation of services ❑ Previous appeals have been refuse for land to the rear of site ❑ Will bring extra traffic and reduce amenities ❑ Will set a precedent for further development ❑ Area is home to badgers, birds, hedgehogs and birds, popular with walkers with pushchairs, horseriders. Ecological value ❑ Development of Arrow site has already increased traffic ❑ Harm to rural and tranquil character of village ❑ School and Church will become enclosed by development ❑ Bungalows are more likely to be bought by older people rather than young families in need of housing. ❑ Protected oak has already had roots removed in order to facilitate other development ❑ Housing numbers in Longden have passed its SAMDev and Parish Plan allocation. Reference is made to Rectory development for 12 houses ❑ Questions over foul and surface water disposal ❑ Footpath is used by school children – traffic hazard ❑ Too many bungalows in village already ❑ Tree protection measures are convoluted and unrealistic ❑ Lack of infrastructure to support more development ❑ Manor Lane is generally acknowledged locally to belong to Longden Manor. The owner of Longden Manor has objected to the development ❑ Loss of quality agricultural land ❑ Site detached from rest of village ❑ Hammerhead design of access road indicative of further development intentions ❑ Will harm the peaceful setting of the Church and those who visit the church yard ❑ Shropshire Council already has a 5 year supply according to SAMDev
5.0	THE MAIN ISSUES
	<p>Principle of development Siting, scale and design Visual impact and landscaping Trees Drainage Highways Ecology</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

6.1.2	Paragraph 11 of the NPPF states a presumption in favour of sustainable development. However this does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan, permission should not usually be granted.
6.1.3	Shropshire Council Site Allocations and Management of Development (SAMDev) Plan sets out Development Management policies which provide specific guidance to meet national policy requirements principally in the NPPF or to provide more detailed guidance to supplement those policies already adopted in the Core Strategy.
6.1.4	The Council published a Five Year Housing Land Supply Statement in March 2019. The Statement confirms that the Council has 6.78 years supply of deliverable housing land against the housing requirement within the adopted Core Strategy (2011). The Development Plan is therefore considered up to date.
6.1.5	The application site lies in a countryside location under Core Strategy CS5 where open market residential development would not normally be supported. However the Parish of Longden has opted to be a Community Hub and Cluster settlement in the SAMDev Plan where, under CS4, some residential development is supported.
6.1.6	CS4 states that in the rural area, communities will become more sustainable (in part) by: <ul style="list-style-type: none"> • <i>Focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5;</i> • <i>Allowing development in Community Hubs and Community Clusters that helps rebalance rural communities by providing facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement</i>
6.1.7	CS4 refers to SAMDev to identify Community Hubs and Clusters and is dealt with by MD1 (Scale and Distribution of Development) and MD3 (Delivery of Housing Development).
6.1.8	Policy S16.2(xi) states: <i>Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green are a Community Cluster in Longden Parish where development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the villages, with a housing guideline of approximately 10-50 additional dwellings over the period to 2026. Of these dwellings, 25-30 are to be in Longden village, with the remainder spread evenly amongst the other Cluster settlements. The Parish Council has adopted a Longden Parish Development Statement (2013) as an addendum to the Parish Plan (2010), indicating that no individual site should be of more than 10-15 houses and a preference for lower cost 2-3 bedroom properties, and identifying zones with associated guidance for development in Longden.</i>
6.1.9	To date, within the Parish as a whole according to Development Management records, the number of approvals has already exceeded the guideline provision.

6.1.10	According to the Shropshire Council Five Year Supply Statement published March 2019, there were 20 completions across the Parish between 2011 and 2018. A further 41 sites had planning permission or Prior Approval as at March 2018.
6.1.11	<p>SAMDev Plan MD3 (2) states</p> <p><i>2. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:</i></p> <ul style="list-style-type: none"> <i>i. The increase in number of dwellings relative to the guideline; and</i> <i>ii. The likelihood of delivery of the outstanding permissions; and</i> <i>iii. The benefits arising from the development; and</i> <i>iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and</i> <i>v. The presumption in favour of sustainable development.</i>
6.1.17	Objections received have referred to two previously unsuccessful applications for housing on land between Manor Lane and Plealey Lane. This land is the larger part of the same field in which the current application is located. The northern boundary of the application site is yet undefined without any natural feature to contribute to boundary formation. Beyond, there was an outline application for 35 dwellings in 2014 (14/01704/OUT). There was also an outline application for a maximum of 20 dwellings in 2015 (15/00724/OUT). Both were refused by Shropshire Council and the former dismissed at appeal. Although these were substantially larger development proposals, and determined before the adoption of the current SAMDev Plan, they are considered to add weight against the principle of development.
6.1.18	Objections have raised concerns that if five dwellings are approved under 16/02395/FUL, it could lead to additional development to the north.
6.1.19	In terms of the planning balance, it is acknowledged the development will provide some social and economic benefits in the community. However the guideline numbers of Policy S16.2(xi) must be given weight in the planning balance. Approval of this development would result in the housing guideline for Longden village being met. This could result in the exclusion of more suitable sites coming forward during the remaining eight years of the adopted SAMDev Plan period, and during the current review of the SAMDev Plan. Moreover, across the Parish as a whole, and plainly against the wishes of the Parish Council, approval of this application would result in the guideline figures being exceeded by some significant margin. There are examples of recent planning applications for housing development in the Parish which have not been supported by Officers due to housing guidelines of Policy S16.2(xi). This application not being supported in principle is consistent with other recent decisions in the Parish.
	It is acknowledged that Policy S16.2(xi) seeks relatively small housing developments with lower cost housing. The development proposed largely aligns with this aspiration. However amongst other factors these limited benefits are insufficient to weigh in favour of development.

6.2	Siting, scale and design
6.2.1	CS6 seeks to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character.
6.2.2	The five bungalows proposed are set out in a linear pattern along a private access road to their front. All are of simple 3 bedroom construction, though each has a slightly different design and layout. Two have detached single bay garages- the remainder are integrated into the dwellings.
6.2.3	Separation distances and amenity space for the occupiers of each dwelling are considered sufficient. In as far as matters of siting and design are relevant, the development complies with CS6.
6.3	Visual impact and landscaping
6.3.1	Chapter 12 of the NPPF seeks to achieve well-designed places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
6.3.2	CS4 seeks to ensure that all development in Community Hubs and Community Clusters is of a scale and design that is sympathetic to the character of the settlement and its environs, and satisfies policy CS6.
6.3.3	CS6 also seeks to ensure that 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. Moreover, MD2 seeks to respond positively to local design aspirations wherever possible, both in terms of visual appearance and how a place functions.
6.3.4	Being single storey dwellings, visual impact from longer range views is reduced. However still of concern is the assimilation of the development into the immediate setting and landscape. Only the southern boundary against Manor Lane is defined, along with the eastern boundary abutting the field edge and public footpath. The north and western boundaries do not follow an existing feature and are undefined in the much larger field. Details of boundary treatment have not been provided and there is no dedicated landscaping buffer immediately outside of the residential curtilages. Consequently, the development will be visually obtrusive and its layout is likely to be seen as an incongruous feature within the larger field. The development site cannot be accessed directly from a public highway. Although physically close to Longden, its character is somewhat detached due to the unsurfaced private lane access extending beyond the Manor Lane/Wellmead Lane junction. Only to that point Manor Lane is surfaced and footpathed.
6.3.5	In terms of layout, the development layout provides a turning head to the east, but the internal access road appears to be abruptly “cut” by the western boundary adjacent to Plot 5. Moreover, the western boundary of Plot 5 lies at an unnatural perpendicular angle to the north. For this reason the layout is visually unattractive in relation to boundary features, which do not in any event currently exist.

6.3.6	The site is not easily accessible for construction traffic. It is acknowledged the track for this purpose would be a temporary feature and its use/reinstatement could, if planning permission were granted, be controlled by a construction management plan. However it should also be recognised that even for a temporary period, the track would cross well in excess of 200m open farmland, and require two new openings in existing hedgerows. During its construction, use, and latterly, reinstatement, there would inevitably be some visual harm and disturbance to the amenity of local residents. This harm, contributes to the overall visual impact.
6.3.7	For reasons set out above the development conflicts with the NPPF, CS4, CS6 and MD2.
6.4	Trees
6.4.1	The NPPF seeks to conserve and enhance the natural environment and states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats.
6.4.2	CS17 (Environmental Networks) seeks to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment.
6.4.3	MD12 goes further and seeks to ensure proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on important woodlands, trees and hedges 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.
6.4.4	The following trees were identified in the original submission T1- veteran protected oak adjacent to site entrance with RPA extending underneath access track so directly affected T2- veteran ash on eastern boundary. RPA not affected by development T3- veteran protected oak. Development reduced from 7 to 5 dwellings to remove conflict T4- oak with roots extending underneath Manor Lane but unaffected by development H5- native hedge on north side of Manor Lane extending west from field gate access. Some of this hedge will be lost only to enable sufficient vehicle width of access.
6.4.5	An arboricultural survey has been submitted, and updated to reflect the alternative construction access from the north. The only tree potentially affected is the veteran oak at the access and to a small extent the hedge H5. In the case of harm to H5, this, on balance is considered acceptable. Although some additional hedge would be lost to facilitate the temporary access, conditions could be imposed to secure effective re-establishment when no longer required.

6.4.6	The Council's Trees Officer has assessed the latest proposal and commented no objection.
6.5	Drainage
6.5.1	Since a mains sewer connection will not be possible without interference to the roots of T1, a Klargestor Treatment plant is proposed, to be positioned at the eastern end of the site- equating to a position adjacent to the existing field gate. The specification, together with soakaway details have been assessed to the satisfaction of the Council's Flood and Water Management Team. Proposals for surface water run-off are also considered acceptable.
6.5.2	Drainage proposals have also been assessed by the Trees Officer who has confirmed will not harm the roots of existing trees.
6.6	Highways
6.6.1	At least in part, CS6 requires that all development is designed to be adaptable, safe and accessible to all, to respond to the challenge of climate change and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11;
6.6.2	Prior to the latest alternative access route, Council Highways had no objection to the proposals. All traffic would have been routed via Manor Lane. The alternative access route has drawn comments from Highways, though have since been clarified by the Area Manager (Developing Highways). It appears the planning history may not have been fully established in consultation comments. Although further information may have been beneficial to support the application, the Area Manager has confirmed there are no grounds to justify refusal on account of the absence of that information.
6.6.3	It is worth noting that according to the latest amended planning statement, the current unadopted lane will be improved. Given that the lane is owned by a third party who has objected to the development, it is unclear how permission will be secured to deliver the envisaged improvements.
6.7	Ecology
6.7.1	Although an ecology report has been submitted, it has been noted by the Ecology team of the Council that the report does not extend to the area covered by the alternative access track from Plealey Lane. The agent for the application has been made aware of this, but an updated report has not been provided as recommended. Accordingly, and as noted in the ecology consultation response, it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.
6.7.2	In terms of the risk to ecological matters, the development therefore fails to comply with the NPPF, MD12 (Natural Environment) of the adopted SAMDev Plan, and CS17 of the Core Strategy.
7.0	CONCLUSION

7.1	In terms of housing numbers, it is not considered overall in the planning balance that a further five dwellings can be accommodated within housing guidelines specified in SAMDev Policy S16.2 (xi). Significant weight against the development is given due to the absence of an existing field boundary, and absence of proposals to effectively assimilate the development into the landscape, contrary to CS4, CS6, MD2 and MD3. Some weight against the development is also given due to construction arrangements. Overall the development is not considered to comply with the requirements of the NPPF, in particular Chapters 2 and 12.
7.2	Due to the absence of a complete ecological report, it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.
7.2	Planning permission is recommended refused
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced</p>

	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:
NPPF

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside
 MD12 - Natural Environment
 MD13 - Historic Environment
 Settlement: S16 - Shrewsbury

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 Roger Evans

ANNEX A Report considered by Planning Committee 28 September 2017



Committee and date

Item



Public

Development Management Report

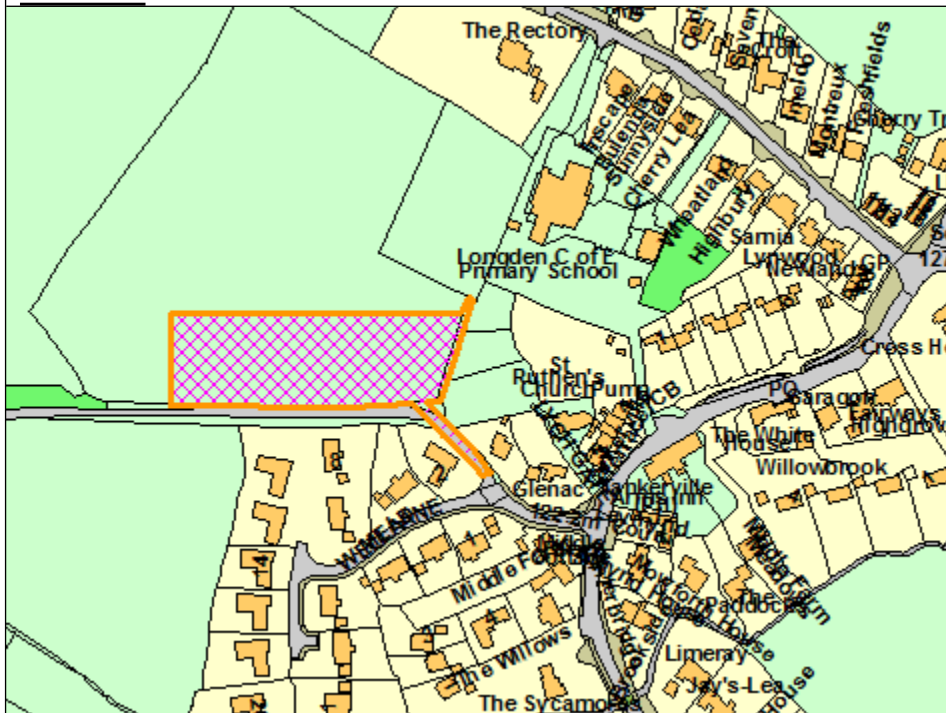
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 16/02395/FUL	Parish:	Longden
Proposal: Erection of 5 No bungalows and associated infrastructure (amended description).		
Site Address: Land Off Manor Lane Longden Shrewsbury Shropshire		
Applicant: Mr & Mrs D Jones		
Case Officer: Frank Whitley	email: planningdmc@shropshire.gov.uk	

Grid Ref: 343992 - 306425



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

Recommended Reason for Approval

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission for the Erection of 5 No bungalows and associated infrastructure (amended description). The single storey dwellings are to have 3 bedrooms each.
1.2	The application has been amended with a reduction from 7 to 5 dwellings. The amended application affects a single protected veteran oak whose roots extend underneath the access track. It is intended to “bridge” the affected roots by constructing a raised highway platform.
1.3	The application site fronts the north side of Manor Lane and is to be accessed from its eastern end. The 5 bungalows are to be set out along a new road within the site with turning space at each end.
1.4	Since it was first submitted, the application drainage proposals have been amended in favour of a package treatment plant/soakaway instead of mains foul water connection.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site lies on the west side of Longden on agricultural land between the Well Mead Lane residential development and Plealey Lane to the north.
2.2	From Longden Road which leads out of the village to the south, the site is accessed by Manor Lane, the first 50m of which is adopted to the point of the Well Mead Lane junction. Thereafter, Manor Lane is a track which continues to Longden Manor, some 1.5km further west.
2.3	A public footpath leads from Plealey Lane, past Longden CofE Primary School and the eastern boundary of the site and continues to the west along Manor Lane.
2.4	It is understood the owner of Manor Lane has not been identified, though the application has been advertised in the press, as per correct procedure and a site notice displayed on 21 June 2016.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers.
4.0	Community Representations
	Consultee Comments

4.1	Parish Council- objection
	<p>First comments received July 2016</p> <p>After discussion it as agreed that the Parish Council do not support this application for the following reasons.</p> <ol style="list-style-type: none"> 1. The access to the development has not been agreed with the Highways Authority .It is off an unadopted lane. The applicant does not own this lane and may not have the legal right to improve the lane to the required standard 2. There are concerns about the foul drainage. The application proposes a package treatment plant for this but there is no watercourse available for the outfall to be discharged into. This would therefore not be suitable for their purposes. 3. There are proposals to deal with surface water drainage by the use of soakaways. There are 7 properties proposed and the quantity of water from them would be considerable and there is no indication of how the improved part of the unadopted lane would be drained. 4. There is a mature Oak tree which would be disturbed by the provision of this development and the drainage channels which would need to be provided to deal with the surface water from the site. 5. The development is in conflict with CS6 as this development extends development into the countryside. 6. The development is not within the area identified for some dev elopement within the village. 7. The proposal is in conflict with CS6 as it does not reflect or enhance the natural or built environment or reflect the character of the locality. 8. It is not sustainable as it fails to meet the social and environmental elements of sustainable development as expressed in the NPPF. <p>Further comments received March 2017</p> <p>It is clear that, in providing access to the site over the private road off Manor Lane, in the manner proposed in the application, the veteran oak tree (T1 in the Tree Report) would be damaged. No information has been provided to demonstrate that foul and surface water drainage can be properly connected to the mains sewerage systems and in connecting the required services further damage to this protected local landmark would undoubtedly take place. The proposed bridging of the roots appears completely impractical and we are concerned that this bridge would further damage the tree and make vehicular access to the well-used private drive hazardous. It also appears to anticipate a 'step' in the highway or the re-grading of the public highway, which has not been detailed.</p> <p>* We cannot understand why a small development of five properties would need an access road with such a large hammer head. Each of the proposed properties has a turning space and thus there is no need for a hammerhead turning space unless it is to provide access at a later date, for further housing development in the field behind. Development on this field has been refused, appealed and turned down again and this proposed hammer head appears to be a barefaced ploy to provide access in the future.</p> <p>* The 1990 Town and Country Planning Act says that applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise. As far as the Parish Council can see, no</p>

'other material consideration' have been advanced that would justify setting aside the development plan and so, if the proposal conflicts with the development plan, it should be refused. The proposal is, in the Parish Council's view, in clear conflict with the 'development' plan.

In particular, the Parish Council believes the application to be in conflict with Core Strategy policies CS5, CS6 and CS17, and SAMDev policies MD1, MD3 and S16.2(xi), for the following reasons

* Policy CS5: says that new development in the countryside will be strictly controlled. New development might be permitted where it would maintain or enhance countryside vitality and character and improve the sustainability of rural communities. The proposed development would not meet the requirements of this policy, and should therefore be rejected

* Policy CS6: sets out criteria that are necessary to create sustainable places. It says that, amongst other matters, development should protect, restore conserve and enhance the natural, built and historic environment and be appropriate in scale, density pattern and design considering the local context and character. The proposed development does not meet any of these requirements, and should therefore be rejected.

* Policy CS4 says that rural communities will become more sustainable by focussing development into Community Hubs or Community Clusters. It goes on to say that development will be allowed in these settlements where it helps rebalance rural communities by providing facilities, economic development or housing for local needs and is of a scale that is appropriate to the settlement. Longden is part of a Community Cluster and the Parish Council prepared a Parish Plan and settlement strategy that spelled out what was considered necessary or desirable in Longden to meet local needs and help the village to become more sustainable. The proposed development does not follow the guidelines set out in that document and should not therefore be considered to contribute to the sustainability of the settlement, and should be rejected.

* SAMDev Policy MD1 says that sustainable development will be supported in (amongst others) Community Cluster settlements, having regard to Core Strategy policy numbers CS2, CS3 and CS 4 and SAMDev policy numbers S1 - 18 , MD3 and MD4. As explained above the proposed development is in conflict with policy CS4, and, below, it will be explained that it is also in conflict with policies MD3 and S16. Clearly, the proposal is in conflict with Policy MD1 and should be rejected.

* Policy MD3 says the Council will support development that is set out in policies S1 - 18, and in terms of the housing guidelines contained in policies S1 - 18 that the guideline is a significant policy consideration. Where it appears that the number of completions plus outstanding permissions are likely to provide more houses than the guideline suggests decisions should be made in relation to the increase in the numbers proposed, the likelihood of delivery of the other dwellings, any benefits that might accrue, the impact of the development, including cumulative impact, and the presumption in favour of sustainable development. The Parish Council is very concerned that the number of permission granted for development in Longden will significantly exceed that set out in the guidelines, and that the proposed development will not bring the sort of benefits that the village needs. It cannot be regarded as sustainable development and should, therefore, be rejected.

	<p>The Parish wish to see developments of primarily 2 - 3 bedroom properties, which are of lower cost and suitable for younger families. This was highlighted in the Parish Plan of 2010, and is part of the development statement that was integrated onto the SAMDev. Policy S16.2(xi) is a direct interpretation of the wishes expressed by the Parish Council at the time the SAMDev was being prepared. It clearly identified the number, type and size of properties that were considered to be needed in the village. The proposed development does not produce the form and type of development that would be in line with Policy S16.2(xi) and should therefore, be rejected.</p> <p>* The application site forms part of a larger enclosure that was the subject of two appeals in 2015. Both were dismissed because the proposed development was regarded as being unsustainable, particularly in respect of the environmental dimension of sustainability as set out in the NPPF. Manor Lane is an area of open countryside that is treasured by the villagers for walks into the rural area and exercising dogs etc. We believe that the proposed development would have an adverse effect on the visual aspect and use of this amenity.</p> <p>* We feel that this proposed development would change and spoil the visual aspect of this part of the village and would also make the permitted footpath over the land untenable. This alone would be grounds for refusal under Policy CS6.</p>
4.2	<p>Highways- no objection subject to conditions and informatives</p>
	<p>The development site is accessed via a narrow private lane leading from Manor Lane. Manor Lane also serves a small housing estate road, Well Mead Lane. Manor Lane forms a junction with Longden Road, a class C urban road governed by a 30 mph speed limit. Visibility at this junction is acceptable. A Public Right of Way runs along the private lane past the proposed access point.</p> <p>A large oak tree is located on the western side of the lane between Manor Lane and the proposed new access and a root protection construction method will be used in this area. The new access driveway will remain private. At the proposed new access point the verge widens out and the opportunity exists to extend the access area to provide a passing place.</p> <p>The application, originally for seven dwellings now proposes five dwellings from a single access point onto the private lane. It is considered that the traffic likely to be generated by five dwellings can be accommodated within the constraints of the access to Manor Lane.</p>
4.3	<p>Conservation- no objection subject to conditions</p>
	<p>Thank you for consulting Conservation on the above application. We will not be commenting in full in this case however:</p> <ul style="list-style-type: none"> -The proposed development site lies on the western edge of the village of Longden on an area of currently undeveloped farmland. -The grade II listed church of St Ruthen lies to the east of the site, although is relatively well screened from the development site by its surrounding church yard, trees and hedging. As such, there would not be direct inter-visibility between the listed church and the development site as currently proposed, and therefore the direct impact on the character and setting of the church would likely be considered to be neutral. Nevertheless, the currently undeveloped area of farmland does contribute to the wider open and rural setting of the church, and lies adjacent to what appears to have been a historic route into the churchyard and across to its associated Rectory to the north.

	<p>-If consent were minded to be approved we would recommend that conditions are placed on all external materials and landscaping/boundary treatments, to ensure the development does not appear out of context with its surroundings.</p> <p>-We would also note that should further development be considered on the site, extending further to the north, the impact on the character and setting of the listed church would need further consideration and we would recommend that a heritage impact assessment be undertaken to assess the impact on views into/ out of the church etc.</p>
4.4	<p>SUDS/Flood and Water Management</p>
	<p>Case Officer Comment: Initially a connection to mains foul water disposal was proposed. This scheme was dispensed with on account of possible damage to tree roots. Instead a package treatment plant is proposed.</p> <p>Drainage Comment (9 Aug 17):</p> <p>1. Only the summary of the soil infiltration rates have been provided. Full details of the percolation tests including how they were carried out, observed results, size, depth of the trial pits, depth of water been filled into the trial pits, groundwater table and subsequent soil infiltration rate calculations should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). The lowest soil infiltration rate should be used in the soakaway calculations. A longitudinal section of the proposed foul water drainage system should be provided to ensure that there is no backfall from the foul water soakaway. Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.</p> <p>2. No details and sizing of the proposed surface water soakaways have been supplied. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Full details, calculations, dimensions of the soakaways and the percolation tests 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. The appropriate allowance for urban creep of 10% must be included in the design of the proposed surface water drainage system over the lifetime of the proposed development.</p> <p>3. Design of the storage of the Formpave Aquaflo blockpaving should be submitted for approval. Reason: To ensure that the proposed permeable paving systems for the site are fully compliant with regulations and are of robust design.</p> <p>Further comments received (10 Aug 17) Since this site is so contentious, we should request the drainage information in my drainage comments dated 9 August 2017 prior to the determination of the planning permission. My drainage comments should cover the design of the proposed surface and foul water drainage and the SC Trees should be consulted if the location of the proposed drainage systems will have any effect on the root protection.</p>

	<p>Case Officer comment- further information has been received from the applicant which has attracted the following from SUDS team:</p> <p>The proposed surface and foul water drainage systems are technically acceptable.</p>
4.5	<p>Ecology- no objection subject to conditions and informatives</p>
	<p>An ecological assessment was carried out on this site in May 2016 by Greenscape Environmental. Much of the site formed part of a much larger planning application site which was surveyed in 2014.</p> <p><u>Habitats</u></p> <p>The site consists of an arable field with species-poor hedgerows along the southern and western boundaries. There is a mature oak tree at the western edge of the southern hedgerow.</p> <p>The landscaping scheme should include some native hedgerow and tree planting to enhance the ecological value of the site.</p> <p><u>Great crested newts</u></p> <p>The report states that there is one unmapped pond ‘within 500m of the site’, but goes on to talk about two ponds within the school grounds. (To add to the confusion, section 4.2.3 of the report is entitled ‘Ponds School site and Ponds 1 and 2’, which suggests that there are three ponds!) Despite the report-writing errors, I have ascertained that there are two ponds within the school grounds.</p> <p>Pond 1 lies approximately 105m from the site boundary. ‘Anecdotally it is known that great crested newts have historically been recorded in [this pond].’ A Habitat Suitability Index assessment was carried out on this pond in 2014 (to support planning application 14/01704/OUT) and this calculated the pond as having Below Average suitability to support great crested newts. Despite this – perhaps due to the proximity of the proposed development – presence/absence surveys were carried out in spring 2014. Smooth newts and common frogs were recorded but no great crested newts were recorded.</p> <p>The 2014 survey is considered to be in date and so an update is not considered necessary.</p> <p>Pond 2, which ‘is situated close to the school buildings’, is a small, shallow pond with ‘poor invertebrate numbers’ and containing ‘a large amount of leaves’. The pond ‘was torched and netted on one occasion’ in spring 2014 and no great crested newts were recorded. This was considered to be sufficient survey effort given the low suitability of this pond to support created newts and further consideration of this pond is not required.</p> <p>Section 6.4 of the report contains a Reasonable Avoidance Measures method statement which should be followed in full during the works to ensure that great crested newts (and other amphibians) are not harmed during the development.</p>

	<p><u>Bats</u></p> <p>The mature oak tree in the southern hedgerow has some potential to support roosting bats. Should any be required to this tree in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.</p> <p>The boundary hedgerows are likely to be used by foraging and commuting bats.</p> <p>Bat boxes should be erected on the new buildings to enhance the roosting opportunities for the local bat populations.</p> <p>New lighting on the site should be sensitive to bats and avoid illuminating the mature oak tree, boundary hedgerows and the location of bat and bird boxes. The Bat Conservation Trust’s guidance on lighting should be followed.</p> <p><u>Birds</u></p> <p>House sparrow, blue tit and blackbird were recorded during the survey.</p> <p>The hedgerow is likely to be used by nesting birds. Any hedgerow removal should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and no works can commence if any active nests are present.</p> <p>Bird boxes should be erected on the new buildings to enhance the nesting opportunities for the local bird populations.</p> <p><u>Other species</u></p> <p>No evidence of any other protected or priority species was observed on the site and no additional impacts are anticipated.</p>
<p>4.6</p>	<p>Rights of Way- no objection informatives only</p>
	<p>Public Footpath 33 Longden has been correctly identified on the block plan. The legally recorded line of the path will not be affected by the application. It is noted that it is proposed to surface part of the route with macadam to provide a suitable path to the adjoining school. There is no objection to the upgrading of the surface of the route to a minimum width of 1.8 metres. It is also noted that the new access to the proposed development will cross the line of the public footpath and it would be advisable to erect signage to alert drivers of vehicles entering and leaving the site that the footpath crosses the access. Please note that if the public footpath cannot be safely kept open during the development of the site/surfacing of part of the route, the applicants should apply to the Mapping and Enforcement Team for a temporary closure of the route. Please ensure that the applicants adhere to the following criteria in respect of the footpath:- Please ensure that the applicant adheres to the criteria stated below: · The right of way must remain open and available at all times and the public must</p>

	<p>be allowed to use the way without hindrance both during development and afterwards.</p> <ul style="list-style-type: none"> · Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times. · Building materials, debris, etc must not be stored or deposited on the right of way. · There must be no reduction of the width of the right of way. · The alignment of the right of way must not be altered. · The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged. · No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.
4.7	<p>Trees- no objection subject to conditions</p>
	<p>Initial Comments are included for reference purposes</p> <p>I have reviewed the additional information provided with this application, particularly revision C of the site layout plan, updated utilities services plan and the additional arboricultural report and would make the following comments:</p> <p>The revised site layout moves the dwellings and internal roads and driveways outside of the Construction Exclusion Zone and away from the areas that may be influenced by trees, through shading or other factors. I therefore would have no objections in terms of the proposed site layout.</p> <p>The utilities services plan indicates that electrical power and fresh water are available to the north of the site and this supports the applicants assessment that these can be connected without impacting on the CEZ around the trees. I can find no further details on the site drainage so the previous comments would still stand, unless it is demonstrated that the site can be connected to the main sewers or to an on-site treatment facility without the need to traverse the Root Protection Areas/CEZ around the trees.</p> <p>The main issue and concern is around the site access to the highway, which seeks to use an existing section of unsurfaced track currently servicing Longden Manor. The track passes over the RPA of a significant veteran tree and if this track was upgraded using standard construction methods, then substantial damage to the root system could be expected. To this end it is proposed that the new road will bridge the RPA and this will be constructed in a way that will not significantly damage the tree's root system. The additional arboricultural report has provided a detailed performance specification for the proposed bridging section, along with a detailed method statement for installing this structure whilst protecting the tree. Essentially the proposed bridging section will comprise a pre-formed reinforced concrete slab, placed on top of concrete bearers formed in situ in the existing roadway. The concrete bearers are to be positioned where there is little root activity (established using geo survey techniques) and contingency plans allow for larger roots to be retained and routed through these structures, protected by plastic sheaths, if necessary. The bearers are 800mm wide and up to 4100mm in length with between 7 – 8 units within the RPA of the tree. This would affect a total of approx. 27m² of the RPA at a point where fine root growth would be limited. The Performance Specification also specifies a ventilation system to allow gas exchange and proposes work to remove the existing track surface and improve rooting conditions in the areas between the concrete bearers. I have reviewed this and, subject to some minor amendments to require that hand excavation is undertaken using an air-spade and or vacuum system and that soil and foliage</p>

	<p>testing is undertaken before adding any fertiliser to the site, consider that it is a reasonable strategy that would significantly minimise risk of harm to the tree. However, before I could be fully satisfied that all concerns regarding the tree had been satisfactorily addressed, I would require confirmation from a structural engineer that this approach would be suitable and feasible in this situation, the exact specification, including the positioning of the bearers and the 'root system map' indicating the position of the significant roots, that the structure could be installed without requiring tree branches to be cut back, that adequate height clearance over the road, meeting with highway requirements could be provided without need to significantly prune the tree and that no services would be installed with the RPA of the tree.</p> <p>Further and final comments received</p> <p>Further to our conversation I have reviewed the additional details provided by the applicant in respect of the 'no dig' road over the RPA of the veteran oak tree. The engineering information provided by the applicant would appear to support the construction of this type of road in this situation. I would note that this appears to be a generic design rather than the site specific one requested and as such is not designed with consideration of the actual spread and distribution of the roots of this tree. That said, given that the existing track is highly compacted and unlikely to contain extensive rooting, it may be reasonable to expect that the design could be modified should occasional large roots be found in any of the excavation points. From an arboricultural perspective, the only remaining consideration is if the road described can be installed in the proposed location once the geo assessment described in the supporting information has been undertaken and the actual position of any roots mapped and in a way that would ensure that height clearance between the road and tree is available to allow large vehicles to pass beneath the tree. If it can, then there could be no further reasonable objection to this development on arboricultural grounds. If the bespoke design of the road can be conditioned in a way that prevents development unless the design is acceptable and meets the standards presented in the submitted report, then the objection to this development would be withdrawn.</p> <p>Case Officer comment: The Trees Officer has also assessed the final drainage plans and confirmed they are mutually compatible with tree protection measures.</p>
4.8	Ramblers Association- no comments received
4.9	Public Comments
	Longden Village Action Group (LVAG)
	<ul style="list-style-type: none"> a) The proposed development at Manor Lane Would represent a significant increase in the number of dwellings proposed for Longden relative to the 'settlement guideline,' b) There appears every chance that all of the proposals for development in Longden and in the Cluster will, indeed, be constructed, c) The proposed development would not bring significant benefits to the local community,

	<p>d) The proposed development would, by itself and cumulatively with other proposed development, adversely impact on the community and in particular on community cohesion,</p> <p>e) By breaking into a new enclosure where there is no natural existing limit to the potential for further development, and by detracting from the appearance and character of the vicinity the development cannot be considered to be sustainable.</p> <ul style="list-style-type: none"> ☒ Neither report provides guarantees against severing tree roots for the Retention Category 'A' trees identified at this site. ☒ No compensatory planting has been provided. ☒ The developer has not provided a plan to show service routes (Positions of proposed services such as water, gas, elec, coms, drainage etc). ☒ A water-tight Arboricultural Method Statement has not been provided which ensures against damage to roots of high value trees.
	<p>Approx 48 individual objections have been received in addition to those made by LVAG. Objections cover the following issues</p> <p>Visual impact of tree protection plans which have not been taken into account by specialist technical consultees</p> <ul style="list-style-type: none"> ☒ Site is valued by walkers and will harm the character of the village ☒ Manor Lane is n the Marches Way which forms part of the Shropshire Way Path. The development will reduce safety and enjoyment ☒ Potential harm to veteran oak by installation of services ☒ Previous appeals have been refuse for land to the rear of site ☒ Will bring extra traffic and reduce amenities ☒ Will set a precedent for further development ☒ Area is home to badgers, birds, hedgehogs and birds, popular with walkers with pushchairs, horseriders. Ecological value ☒ Development of Arrow site has already increased traffic ☒ Harm to rural and tranquil character of village ☒ School and Church will become enclosed by development ☒ Concerns about tree root "bridge" and access for large vehicles ☒ Bungalows are more likely to be bought by older people rather than young families in need of housing. ☒ The root "bridge" would potentially block the access into White Cottage on Manor Lane ☒ The "bridge" would be too narrow for large vehicles and would damage adjacent property, or inadvertently falling off it. Clearance over bridge would be limited therefore potential damage to branches above. ☒ Protected oak has already had roots removed in order to facilitate other development ☒ Housing numbers in Longden have passed its SAMDev and Parish Plan allocation. Reference is made to Rectory development for 12 houses ☒ Questions over foul and surface water disposal ☒ Footpath is used by school children – traffic hazard ☒ Too many bungalows in village already ☒ Tree protection measures are convoluted and unrealistic ☒ Lack of infrastructure to support more development ☒ Development is undeliverable due to ownership unidentified owner ☒ Manor Lane is generally acknowledged locally to belong to Longden Manor.

	<p>The owner of Longden Manor has objected to the development</p> <ul style="list-style-type: none"> ❑ Loss of quality agricultural land ❑ Site detached from rest of village ❑ Hammerhead design of access road indicative of further development intentions ❑ Will harm the peaceful setting of the Church and those who visit the church yard ❑ Shropshire Council already has a 5 year supply according to SAMDev
5.0	THE MAIN ISSUES
	<p>Principle of development Siting, scale and design of structure Visual impact and landscaping Trees Drainage Highways</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
6.1.2	Paragraph 12 of the NPPF states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.
6.1.3	Shropshire Council Site Allocations and Management of Development (SAMDev) Plan sets out Development Management policies which provide specific guidance to meet national policy requirements principally in the NPPF or to provide more detailed guidance to supplement those policies already adopted in the Core Strategy.
6.1.4	The Council published a Five Year Housing Land Supply Statement on 11 Sept 2017. The Statement confirms that as of 31 March 2017, the Council has 6.04 years supply of deliverable housing land therefore the development plan is considered up to date.
6.1.5	The application site lies in a countryside location under Core Strategy CS5 where open market residential development would not normally be supported. However the Parish of Longden has opted to be a Community Hub and Cluster settlement in the SAMDev Plan where, under CS4, some residential development is supported.
6.1.6	CS4 states that in the rural area, communities will become more sustainable (in part) by: <ul style="list-style-type: none"> • <i>Focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these</i>

	<p><i>settlements unless it meets policy CS5;</i></p> <ul style="list-style-type: none"> • <i>Allowing development in Community Hubs and Community Clusters that helps rebalance rural communities by providing facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement</i>
6.1.7	CS4 refers to SAMDev to identify Community Hubs and Clusters and is dealt with by MD1 (Scale and Distribution of Development) and MD3 (Delivery of Housing Development).
6.1.8	<p>Policy S16.2(xi) states:</p> <p><i>Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green are a Community Cluster in Longden Parish where development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the villages, with a housing guideline of approximately 10-50 additional dwellings over the period to 2026. Of these dwellings, 25-30 are to be in Longden village, with the remainder spread evenly amongst the other Cluster settlements. The Parish Council has adopted a Longden Parish Development Statement (2013) as an addendum to the Parish Plan (2010), indicating that no individual site should be of more than 10-15 houses and a preference for lower cost 2-3 bedroom properties, and identifying zones with associated guidance for development in Longden.</i></p>
6.1.9	To date, within the Parish as a whole according to Development Management records, 56 dwellings or thereby have been approved since 2006, 20 of which are in Longden village itself. The remainder are spread through the Cluster settlements mainly in groups of 1-3 dwellings, aside from 13 dwellings approved by way of SA/08/1194/O (2008) and 14/00088/REM (2014). The latter development nears completion.
6.1.10	According to above, approvals in the Parish have already exceeded the guideline provision by 6. Within Longden village, there appears to be scope for a further 10.
6.1.11	<p>SAMDev Plan MD3 (2) states</p> <p><i>2. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:</i></p> <ul style="list-style-type: none"> <i>i. The increase in number of dwellings relative to the guideline; and</i> <i>ii. The likelihood of delivery of the outstanding permissions; and</i> <i>iii. The benefits arising from the development; and</i> <i>iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and</i> <i>v. The presumption in favour of sustainable development.</i>
6.1.12	Reference is made to an undetermined outline application for 12 dwellings (with matters of access only) on land immediately to the west of the Rectory on Plealey Lane (16/03406/OUT). If approved and ultimately delivered, there is therefore the prospect of an additional 17 dwellings to the figure of 56 mentioned above, taking the Parish total to 73, including 37 for Longden village.

6.1.13	However in terms of housing numbers and cumulative impacts, significantly less weight is given to 16/03406/OUT since it was made in outline. Moreover some 6 months after a resolution to approve, a Section 106 agreement has yet to be agreed. SAMDev Plan MD3 requires only completions and outstanding permissions to be taken into account when considering guideline figures which have been exceeded.
6.1.14	It is likely that some of the existing approvals will be not implemented- indeed the Council's Five Year Housing Land Supply Statement (Sept 17) uses a 10% discount rate in relation to delivery.
6.1.15	Being for only 5 dwellings, no affordable housing is required either by on site provision or commuted sum. There is no requirement for a Section 106 agreement. If approved, the application is considered deliverable, which weighs in its favour in the context of MD3.
6.1.16	In terms of cumulative impacts, the vast majority of approvals are for either one or two dwellings, and only one above six. There is not considered to be a significant cumulative impact when considering the 13 dwelling scheme opposite Longden Village Hall on the eastern side of the village.
6.1.17	Objections received have referred to two previously unsuccessful applications for housing on land between Plealey Lane and Manor Lane. The first was an outline application for 35 dwellings in 2014 (14/01704/OUT), The second was an outline application for a maximum of 20 dwellings in 2015 (15/00724/OUT). Both were refused by Shropshire Council and the former dismissed at appeal. These were substantially larger development proposals, determined before the adoption of the current SAMDev Plan. It is not considered that they have established the principle against development.
6.1.18	Objections have also raised concerns that if five dwellings are approved under 16/02395/FUL, it could lead to additional development pressure on remaining land to the north. This concern is not a material planning consideration and is not considered relevant to this application, which has to be decided on its own merits.
6.1.19	In terms of the planning balance, the social and economic benefits of this proposal are considered sufficient to establish the principle of development, after taking account of MD3(2). Approval is subject to further environmental considerations which are listed as main issues below.
6.2	Siting, scale and design
6.2.1	The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
6.2.2	CS6 seeks to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character.
6.2.3	MD2 seeks to ensure that development responds positively to local design

	aspirations, wherever possible, both in terms of visual appearance and how a place functions, and contributes to and respects locally distinctive or valued character and existing amenity value.
6.2.4	The five bungalows proposed are set out in a linear pattern along a private access road to their front. All are of simple 3 bedroom construction, though each has a slightly different design and layout. Two have detached single bay garages- the remainder are integrated into the dwellings.
6.2.5	Separation distances and amenity space for each dwelling are considered sufficient and in accordance with CS6.
6.3	Visual impact and landscaping
6.3.1	Being single storey, visual impact is reduced, and subject to a strong landscaping condition, it is considered that the development can be integrated into the field without appearing unduly prominent.
6.4	Trees
6.4.1	The NPPF seeks to conserve and enhance the natural environment and states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
6.4.2	CS17 (Environmental Networks) seeks to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment.
6.4.3	MD12 goes further and seeks to ensure proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on important woodlands, trees and hedges 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.
6.4.4	The following trees were identified in the original submission T1- veteran and protected oak adjacent to site entrance with RPA extending underneath access track so directly affected T2- veteran ash on eastern boundary. RPA not affected by development T3- veteran protected oak. Development reduced from 7 to 5 dwellings to remove conflict T4- oak with roots extending underneath Manor Lane but unaffected by development H5- native hedge on north side of Manor Lane extending west from field gate access. Some of this hedge will be lost only to enable sufficient vehicle width of access.

6.4.5	Given the above, the only tree affected is the veteran oak at the access and to a small extent the hedge H5. In the case of H5, this, on balance is considered acceptable.
6.4.6	Standard construction methods to the access and associated development traffic could harm the health of the protected oak.
6.4.7	The proposed platform will comprise a pre-formed reinforced concrete slab, placed on top of concrete bearers formed in situ in the existing roadway. The concrete bearers are to be positioned where there is little root activity (established using geo-survey techniques) and contingency plans allow for larger roots to be retained and routed through these structures. The bearers are 800mm wide and up to 4100mm in length with between 7-8 units within the RPA. This specification has been reviewed by the Council's Tree Officer and is acceptable subject to excavation with an air spade or vacuum system.
6.4.8	Concerns have been raised that the root platform will be visually harmful to the setting of Manor Lane. The platform will increase the height of the road by approx 430mm. With the carriageway raised at the height proposed, visual impacts are not considered significant.
6.4.9	Although an exact site specific specification has not been submitted, the Trees Officer has further commented that the track is likely to be highly compacted and unlikely to contain extensive rooting. He has agreed that the design could be modified in the event occasional large roots are found.
6.4.10	A cross section of the platform has been supplied. From either end of the bridge surface, the road will connect to existing track levels at a gradient of 1:15.
6.4.11	Concerns have been raised that the platform may interfere with the access to an adjoining dwelling on the north side of Manor Lane (The White House). The applicant has indicated that the precise extent of tree roots and the resulting platform will be determined by a geophysics survey (which includes ground penetrating radar) as required by proposed tree condition. The applicant has also stated that the adjoining dwelling and its access is higher than the road surface. Although this issue has been taken into account, the solution to any interference would be a civil matter between respective landowners.
6.5	Drainage
6.5.1	Since a mains sewer connection will not be possible without interference to the roots of T1, a Klargestor Treatment plant is proposed, to be positioned at the eastern end of the site- equating to a position adjacent to the existing field gate. The specification, together with soakaway details have been assessed to the satisfaction of the Council's Flood and Water Management Team. Proposals for surface water run-off are also considered acceptable.
6.5.2	Drainage proposals have also been assessed by the Trees Officer who has confirmed will not harm the roots of existing trees.

6.6	Highways
6.6.1	At least in part, CS6 requires that all development is designed to be adaptable, safe and accessible to all, to respond to the challenge of climate change and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11;
6.6.2	The root protection system proposed has been assessed as acceptable. Council Highways also consider that the traffic generated from five dwellings can safely be accommodated within the constraints of the access to Manor Lane.
7.0	CONCLUSION
7.1	In terms of housing numbers, it is considered that a further 5 dwellings can be accommodated within housing guidelines specified in SAMDev Policy S16.2 (xi).
7.2	The site represents encroachment into a larger agricultural field, however the benefits of additional housing provision in the Parish outweigh the limited environmental harm. The dwellings will all be 3 bedroom properties as per S16.2(xi) with limited visual harm due to being single storey. With appropriate landscaping required by condition the dwellings can be integrated into the landscape and setting of Longden. No technical objections have been raised from the Trees Officer in respect of tree or root protection measures and drainage proposals are considered satisfactory. Accordingly the development is considered to require with the provisions of the NPPF, CS4, CS5, CS6, CS17, MD1, MD3, MD7a, MD12, MD13 and S16.2(xi).
7.3	Planning permission is recommended.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to</p>

	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
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	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:

National Planning Policy Framework
 CS4 - Community Hubs and Community Clusters
 CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the
 Countryside
 MD12 - Natural Environment
 MD13 - Historic Environment
 Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:

16/02395/FUL Erection of 5 No bungalows and associated infrastructure (amended description). PDE

11. Additional Information

[View details online:](#)

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

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<u>Committee and date</u>
Central Planning Committee
4 July 2019

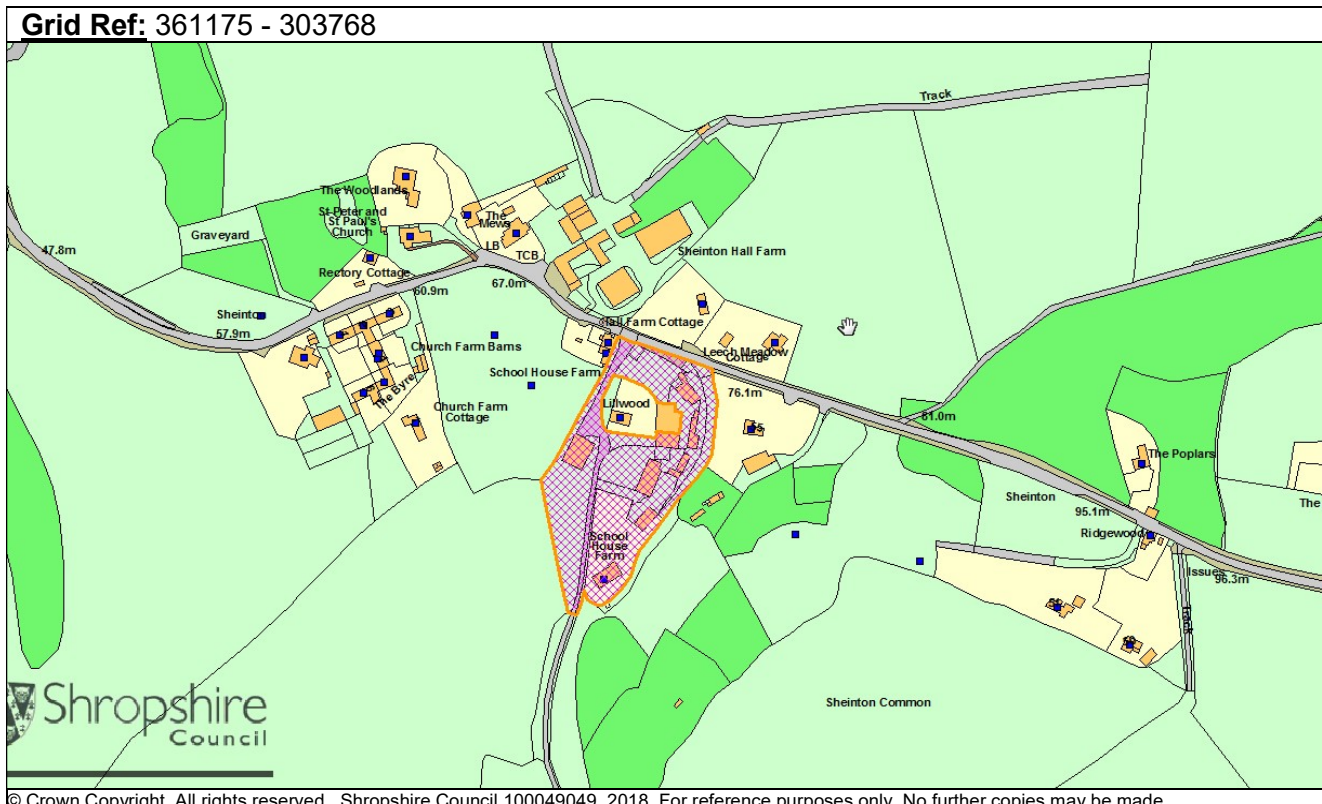
<u>Item</u>
8
Public

Development Management Report

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

Summary of Application

<u>Application Number:</u> 18/04266/FUL	<u>Parish:</u>	Sheinton
<u>Proposal:</u> Change of use of a farm yard and buildings to holiday complex to include: demolition of buildings; siting of four glamping units and a log cabin; works to and change of use of two buildings to form office and store and leisure facilities, formation of parking areas; and installation of package treatment plant (Amended Description)		
<u>Site Address:</u> School House Farm Sheinton Shrewsbury Shropshire SY5 6DN		
<u>Applicant:</u> Earley Accommodation Ltd		
<u>Case Officer:</u> Andrew Sierakowski	<u>email:</u> planningdmc@shropshire.gov.uk	



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 2.

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

- 1.1 This is an application that was considered by the Committee at its meeting in April 2019, at which the decided to defer determination in order to allow the applicant time to submitted amended details.
- 1.2 The application as it was initially submitted was for the change of use of a farmyard and buildings to a holiday complex, including the siting of glamping units and an associated livery, at School House Farm, Sheinton. However, in response to comments from the Parish Council and third-party objectors, the livery element of the development has been withdrawn and a number of changes made to the layout, so that the application is only for the use and development of the site for glamping.
- 1.3 The application site includes the existing holiday let property, known as Applewood (formerly School House Farm), which currently provides a 14 bed space let and a substantial part of the adjacent farm yard to the immediate north of Applewood, which is currently disused and largely derelict. As a result, there is no use for the majority of the farm buildings and yard, and the application seeks an alternative use, comprising the proposed change of use and development of the site, involving the retention of some of the farm buildings and the demolition of others.
- 1.4 The intention is now to provide accommodation, to enable guests to stay at the site and explore the surrounding countryside which forms part of the Shropshire Hills Area of Outstanding Natural Beauty.
- 1.5 The proposed change of use will involve the following:
- The demolition of a number of farm buildings located centrally within the site;
 - The installation of 4 glamping pods in the place of the demolished buildings. These pods will measure 7.2 metres in width, 4 metres in depth, and approximately 2.8 metres in height. The pods will be set into the rising ground;
 - The installation of a log cabin to provide an 8 bed space accommodation unit, measuring 14.4 metres in width, 6.1 metres in depth, and an internal height of approximately 3 metres;
 - The existing farm building towards the southern (top) end of the site will be retained, re-clad and converted to provide a games room, for the communal use by the occupants of the holiday lets. The building measures 13.8 metres in width, 7.4 metres in depth, 3.4 metres to the eaves, and 4.25 metres to the ridge. The building will be re-clad in timber boarding;
 - An existing building at the northern end of the site (the former milking parlour) which is to be re-clad and converted to provide a site office, laundry room,

and garden equipment/machinery store. The main section of this building has a width of 10.6 metres and depth of 10 metres, with a small 5.6 metre by 4 metre extension to the west, and a 4.6 metre by 6.5 metre extension to the east. The building rises to approximately 3.1 metres above ground level. The building will be re-clad in timber boarding;

- Retention of the existing 14 bed-space holiday let;
- A parking area for staff and a separate parking area for guests to be provided adjacent to the communal games room building and Log Cabin, with additional parking adjacent to the existing holiday let.

- 1.6 There is in addition an existing agricultural shed on the west side of the site that was to be converted for the livery, but which is now to be left as a shed and an adjacent paddock.
- 1.7 The site will be accessed via an existing access off the public road through Sheinton, that currently serves the existing Applewood holiday let.
- 1.8 The site rises from approximately 70 metres AOD along its northern boundary adjacent to the public road, to over 80 metres AOD at its southern boundary. The site levels are on the whole to remain as existing, although some localised levelling work will be required.
- 1.9 One existing tree is to be removed. The glamping pods will be dug into the slope so as to reduce their visual prominence and the application states that the intention is that the removal of existing unsightly farm buildings will enhance the site's appearance.
- 1.10 It is proposed that three rainwater harvesters will provide water to the showers, and for the office building. The remaining storm water will be collected before being discharged to Sheinton Brook. The development of the site will lead to a reduction in impermeable surfacing through the removal of existing buildings and hard-surfaced areas.
- 1.11 The development will be served by a package treatment plant with a soakaway.
- 1.12 Extensive additional tree planting and new hedgerows are proposed to increase screening and biodiversity connectivity on and around the site. The planted species will be broadleaved and native and there will be of an increase in the diversity of the hedgerow trees. Gaps in the existing hedgerows bordering the western side of the site will be planted-up in line with the recommendations of the ecological assessment submitted with the application.
- 1.13 The application states that the proposed development is expected to require and provide the following employment opportunities:
- 1 full time site warden/manager;
 - 1 part time ground staff; and
 - 1 part time cleaner;

- 1.14 As such the proposal is expected to provide two full time equivalent positions.
- 1.15 At the April South Planning Committee, it was agreed to defer consideration of the application to a future meeting to allow the opportunity for the concerns raised by Members in relation to the use of the site for 12 months of the year and the lack of permanent on-site supervision to be addressed.
- 1.16 As a result, the applicant has submitted amended plans and further details which now include:
- Confirmation that the applicant is agreeable to accepting a condition that would restrict the use/occupation of the new glamping pods, and the log cabin to 10 months of the year, running from the start of March to the end of December;
 - The conversion of part of the barn at the top of the site to provide warden's accommodation to enable the warden to remain permanently on site. The remaining half of the barn will provide an open plan games room. The applicant has advised that the warden's accommodation will be occupied whenever there are guests on site. This will be to ensure that the site can be effectively monitored and supervised when guests are present, to ensure the amenity of the area is protected; and
 - Revised drawings to include the provision of toilet and shower facilities in each of the glamping pods. Guests will therefore not need to leave the pods during the night to use communal facilities. The layout also confirms there will be a maximum of 4 bed spaces within each pod.

The applicant is also preparing a Management Plan for the site, which although not yet formally submitted, they anticipate submitting in compliance with a condition to be attached to the permission, in the event that the application is approved.

- 1.17 The application is accompanied by an Ecological Assessment, Tree Survey, and Heritage Impact Assessment.
- 1.18 The development was the subject of a request for Pre-Application Advice, Ref. PREAPP/18/00224, which was issued on 16th May 2018 and which advised that there was no 'in principle' reason to object to the proposed change of use, but that there were concerns about the livery element of the scheme and to ensure that it did not cause any harm to the trees on the site, the nearby designated heritage assets and the amenity of neighbouring properties.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site extends to just under 0.9 of a hectare and currently comprises a redundant and semi-derelict farmyard including a complex of run down steel clad buildings and sheds located on the northern part of the site adjacent to the public road through Shienton. Applewood, (formerly School House Farm) is a bungalow which is located top of the farmyard at the southern end of the site and already provides guest accommodation of up to 14 bed spaces. The bungalow was formerly an agricultural worker's dwelling for which consent was granted under Ref. 16/02699/VAR to allow

it to be used as either an agricultural worker's dwelling or as a holiday let. The application states that the holiday let has proven to be an extremely popular location and that in 2018 it was fully booked as a holiday let for all but two weekends between February and September.

- 2.2 The site is accessed by a track that runs up its east side. Mature trees border the track, which is lower than the majority of the farm buildings. These are on the higher ground that slopes down to the northwest. The track leads to Applewood. There is also a second track which extends from the north west corner of the site, through the farmyard leading up to Chesnut Cottage, Banisters Cottage and Sheinton Common to the south. Footpath 3 runs along the track.
- 2.3 The land on which the site is located generally rises to the east. A newly built affordable home borders the eastern boundary, as well as a wooded area containing an abandoned cottage.
- 2.4 To the north-west of the farmyard is the Old School which is now a dwelling, and the farmyard itself contains a residential property, Lillwood. This bungalow is situated above road level on the hillside that is set back from the highway and is reached by the track which is also a public right of way leading up to Sheinton Common. There is also a substantial existing farm building/barn to the east of Lillwood that is not included in the application site and which will be retained and serves to screen much of the upper level of the site behind it.
- 2.5 Sheinton is located within the Shropshire Hills Area of Outstanding Beauty (AONB). The Sheinton Brook Site of Special Scientific Interest (SSSI) which is a geological SSSI, is located approximately 415m to the west of the application site. There are four nearby Listed Buildings in Sheinton, including the Church of St Peter and St Paul which is Grade II* listed, 150m north west of the site, the Woodlands which is Grade II listed, 175m to the north west, a Barn approximately 30m south-east of Sheinton Hall Farmhouse which is Grade II listed and located 60m north west of the site, and Leach Meadow Cottage, which is Grade II listed and located 45m north east of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Although the development is compliant with relevant development plan policies, the Parish Council has objected to the application and the Local Member has requested that the application be referred to the Committee for determination.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 Cressage, Harley & Sheinton Parish Council: On the application as initially submitted the Parish commented that in principle it welcomed the proposed improvements to the site that would arise from the development. However, it also commented that it had concerns regarding lack of supervision, traffic, infrastructure, the environmental impact, a concern that the site could become a normal livery (as opposed to holiday livery) and the traffic implications of the development. Therefore, until these issues were addressed the Parish Council stated that it would not offer unconditional support for the proposal.

4.2 On the initially amended application, it commented that whilst the changes addressed the issues related to the equine element of the application, the Parish Council was still concerned that the site would be unsupervised and that unless it was, it could not support the application.

4.3 In response to the latest amendments and additional submitted information, it is understood that the Parish Council held a public meeting to discuss the application, to which the applicant was invited. In the light of this meeting the Parish Council has advised that it is still unable to support the application in its current form and requests that determination of the application be deferred further, until a management plan is submitted which makes clear that there will be permanent on-site supervision, 24 hours a day, seven days a week. They have also requested that a condition be attached to the permission, in the event of the application being approved, to limit the scale of the development, i.e. the amount of accommodation and in particular the number of glamping pods and that a condition be included requiring the demolition of the redundant metal barns.

4.4 Public Comments

4.5 In addition to the comments from the Parish Council there were initially twenty-four third-party representations from sixteen local residents, twenty-two of which offered objections and two of which were neutral. Five objectors submitted additional comments in the light of the initial amendment of the application, and whilst they generally welcomed the omission of the livery element included in the original plans, their objections were largely otherwise maintained. The representations submitted generally welcome the concept of redeveloping the site, which is currently viewed as unsightly and an eyesore, but not the development proposed. The representations in summary made the following points;

- Whilst the amended plans now omit the livery, the development is contrary to Core Strategy policy. It is contrary to Policy CS6 in that; (i) providing accommodation for up to 42 people is not appropriate in terms of scale, density and design taking into account the local context and character, i.e. it is not of an appropriate scale for a small village; (ii) the amount of hard surfacing is unduly formal and urbanised and would contribute to a detrimental effect on the existing rural character of the site and its surroundings, and is therefore not appropriate in relation to local context and character; (iii) the drawings omit details of materials for the re-cladding and refurbishment of milking parlour and site office; (iv) the site is located at least one mile away from the nearest public transport route, and is only accessible by traversing narrow, winding lanes with frequent single-file traffic flow and cannot therefore be in an accessible location.
- The development will significantly increase traffic on an inadequate local road network and increase risks to pedestrians;
- The development will require and be insensitive in terms of lighting, cause light pollution in the Shropshire Hills AONB, adversely affect wildlife and will therefore be contrary to Core Strategy Policy CS17, which seeks to ensure that development does not adversely affect the visual, ecological, heritage or recreational values and functions and assets;

- The development will have a significant adverse visual impact on the immediate surroundings;
- The development is contrary to Core Strategy Policy CS5 as there are no benefits accruing to the local community. The creation of a glamping holiday park is not an essential requirement to improve the farmyard buildings. The development will have an adverse visual impact that is inconsistent with the diverse natural environment;
- Due consideration has not been given to the setting and significance of surrounding Grade II listed buildings, including the St Peter and St Paul Church;
- Concerns about the lack of supervision outside of office hours;
- Impact on the amenity of neighbouring residential properties as a result of noise and unsociable activities;
- Sheinton has no shop, public house or other amenity which would benefit from the influx of the resultant transient population;
- The provision of drainage both foul and storm is not fully explained. Storm water management is already a significant issue in Sheinton. The previously existing farming activities suffered from inadequate drainage and there is concern that the new development may also do so and present a risk to neighbouring properties; and
- The parking provision proposed is inadequate.

4.6 In response to the latest amendments and additional submitted information, there have been five further representations from local residents, in addition to the comments of the Parish Council. These reiterate the previously submitted comments, and in particular the concern that the development is too large and that the amended details still do not provide adequate safeguards for the amenity of local residents, that the any grant of planning permission should be conditioned to ensure that the scale of the development cannot be increased, and express concern about the unsightly nature of the existing agricultural sheds that are to be retained.

4.7 There is also an additional representation from the applicant, stating that she has attempted to address the concerns of local residents, explaining the operation of the development and that she would like to invest and make improvements to the site.

4.8 Technical Consultees

4.9 Shropshire Council - Highways: Have no objection to the amended scheme including the proposed access, parking and turning arrangements, subject to the development being carried out in accordance with the approved details.

4.10 Shropshire Council - Rights of Way: Advise that Footpath No. 3 runs through the site. They comment that although not directly affected by development, the footpath will need to be taken into consideration at all times both during and after development and the applicant also has to adhere to the following criteria:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards;

- Building materials, debris, etc must not be stored or deposited on the right of way;
- There must be no reduction of the width of the right of way;
- The alignment of the right of way must not be altered;
- The surface of the right of way must not be altered without prior consultation with the Rights of Way team; nor must it be damaged; and
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

- 4.11 Shropshire Council - Ecology: Have no objection, subject to satisfactory completion of a European Protected Species 3 tests matrix because of the presence of bats on the site (which is included Appendix 1 at the end of this report). This they advise, must be discussed by the Committee and minuted. They recommend that conditions be attached to the permission relating to the applicant obtaining a European Protected Species Mitigation Licence before development takes place, working in accordance with details set out in the submitted Ecological Assessment, submission of details of bat and bird boxes and the submission of a landscaping plan and its subsequent implementation.
- 4.12 Shropshire Council - Trees: Were initially concerned that the original layout would adversely affect the two mature trees adjacent to the car parking that was to be located to the south of the site office. However, with this being relocated they are now content to recommend approval, subject to the inclusion of a pre-commencement landscaping condition. The revised layout would result in the loss of two trees in the centre of the site, but these are identified as being only young specimens under 10 years old, so that their loss would be less significant and can be mitigated with the proposed new native planting.
- 4.13 Shropshire Council - SUDS: Have no comments.
- 4.14 Shropshire Council - Regulatory Services: Advise that they have no adverse comments on the proposal in principal although they comment that the development may result in some increase in noise from any visitors to the site. They also advise that the applicant should be aware that if they have any knowledge of land contamination as a result of any current or historic events or storage on site, that they should state this at any future planning application stage.
- 4.15 Shropshire Council - Conservation: Initially expressed concern about the impact on the nearby heritage assets, but have in response to the amended plans advised that they now consider these to be acceptable in the context of the setting of the listed buildings and in respect of the character of the landscape, subject to confirmation of the material finishes, soft landscaping, hard surfacing, boundary treatments and lighting, which can be addressed by condition.
- 4.16 Shropshire Hills AONB Partnership: Advise that the planning authority has a legal duty to take into account the purposes of the AONB designation in making any decision on this application and that it should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.
- 4.17 Ramblers Association: No comment.

5.0 THE MAIN ISSUES

- 5.1
 - Principle of the Development
 - Siting, scale, design and visual impact
 - Traffic
 - Residential amenity
 - Other Issues

6.0 OFFICER APPRAISAL

6.1 Principle of the Development

6.1.1 Sheinton falls within the rural area of the county identified as countryside, to which Core Strategy Policy CS5 applies and it is located in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The main issues in relation to the principle of the development are therefore firstly, whether it is acceptable in terms of development plan and national planning policy as economic and tourist related development in the countryside and secondly whether as such, in terms of the potential benefits and impacts, its location in the AONB is acceptable.

6.1.2 The relevant development strategy policy is that set out in the Shropshire Local Development Framework Adopted Core Strategy (March 2011) and the adopted Shropshire Council Site Allocations and Management of Development Plan (SAMDev Plan) (December 2015).

6.1.3 The Core Strategy Policy CS1 sets out the settlement hierarchy for the County with new development focussed in Shrewsbury, the main Market Towns, and other identified Key Centres whilst Policy CS4 seeks to ensure that in rural areas, those settlements defined as Community Hubs and Community Clusters are the focus for new development and investment. These are considered to be the most sustainable places to deliver the overall strategy of managed growth with the aim of reinvigorating smaller settlements within the rural area. The objective is to provide facilities, economic development or housing for local needs, that is of a scale that is appropriate to each settlement.

6.1.4 Outside these settlements, in the open countryside, Policy CS5 seeks to ensure that new development is strictly controlled in accordance with national planning policies protecting the countryside, where this will maintain and enhance countryside vitality and character and improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:

- Small-scale economic development where this will diversify the rural economy. Where this is the case development is expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate;
- The retention and appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate;
- The conversion or replacement of suitably located buildings for small scale

economic development/employment generating use;

- Sustainable rural tourism and leisure and recreation proposals which require a countryside location, in accordance with Policies CS16 and CS17; and/or
- Conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside. Proposals for conversions will be considered with regard to the principles of national planning policy, giving equal priority to small scale economic development/employment generating uses and tourism uses;

6.1.5 Relevant national planning policy is set out in paragraphs 83 and 84 of the National Planning Policy Framework (NPPF) (2019). Paragraph 83 makes clear that planning policies and decisions should enable; the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings including sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 additionally advises that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it states that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). It also states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

6.1.6 Specifically, in relation tourism and leisure related development, Core Strategy Policy CS16 seeks to ensure the delivery of high quality, sustainable tourism, cultural and leisure development, but also to ensure that it is sensitive to Shropshire's intrinsic natural and built environment qualities. The key tests of the Policy are to:

- Support new and extended tourism development, and cultural and leisure facilities, where they are appropriate to their location, and enhance and protect the existing offer within Shropshire;
- Promote connections between visitors and Shropshire's natural, cultural and historic environment, including through active recreation, access to heritage trails and parkland, and an enhanced value of local food, drink and crafts;
- Support development that promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets including the Shropshire Hills AONB and the rights-of-way network. Development must also meet the requirements of Policy CS17.

6.1.7 In support of Policy CS16, SAMDev Policy MD11 which is concerned with tourism facilities and visitor accommodation states that:

- tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7b, MD12, MD13 and relevant local

and national guidance; and that

- All proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate and that proposals within and adjoining the Shropshire Hills AONB should pay particular regard to landscape impact and mitigation.

6.1.8 In relation to visitor accommodation in rural areas it also states that:

- proposals for static caravans, chalets and log cabins should be landscaped and designed to a high quality; and that
- Holiday let development that does not conform to the legal definition of a caravan and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside following the approach to open market residential development in the countryside under Policy CS5 and MD7b.

6.1.9 In this policy context, firstly in relation to the overall location of the site, the development complies with the general criteria set out in Core Strategy Policy CS5, and is potentially covered by several of the headings listed in the policy including small-scale economic development, the retention and expansion of an existing established business, the conversion of suitably located buildings for small scale economic development/employment generating use; rural tourism and leisure and recreation proposals requiring a countryside location, and/or conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside. It also potentially falls into the various types of development listed in the NPPF, paragraph 83, namely the growth and expansion of existing businesses in a rural area, through conversion of existing buildings and new buildings; the development and diversification a land-based, rural businesses; and rural tourism and leisure.

6.1.10 As set out above, Paragraph 84 of the NPPF also makes clear that decisions on planning applications should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, although it does qualify this by stating that new development should be sensitive to its surroundings, and should not have an unacceptable impact on local roads. In principle therefore policy supports the location of the development, despite its location in the countryside.

6.1.11 In relation to the tests set out in Policy CS16 it would be an extension of an existing tourism related business as an addition to the existing 14 bed space unit already provided on the site and would as such meet the test of enhancing the offering for accommodation in Sheinton area; and as development in the AONB it is a good location in terms of promoting access to Shropshire's natural, environment including the AONB. The site, as detailed in the comments of the Rights of Way Officer is located directly alongside Footpath No. 3, which connects into the wider footpath network to the south and south west and along Wenlock Edge. This is subject to the tests set out in Policy CS5 relating to compliance with Policy CS17 and the NPPF in relation to ensuring that development is sensitive to its surroundings and is

physically well-related to existing settlements. The issue of the scale and design of the development and sensitivity and its impact on the historic environment is considered in more detail below.

- 6.1.12 SAMDev Policy MD11 makes reference to development requiring a countryside location, and in this case, as out above the aim is to extend the existing accommodation at Applewood for the market wanting access to the Shropshire Hills AONB and the wider countryside. Again, there is no basis for considering that this requirement is not complied with, although as with Policy CS16, this is qualified to the extent that development complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7b, MD12, MD13 and relevant local and national guidance. There is therefore no reason in terms of the principle of the development for considering that the proposal does not comply with policy, subject to its acceptability in terms of its siting scale and design and visual impact.
- 6.1.13 The related key issue and the main one that is made by objectors is that arising from the requirement of Policy CS16, that new visitor accommodation should be located in accessible locations served by a range of services and facilities and that proposals must be of an appropriate scale and character for their surroundings, or be close to or within settlements, or an established and viable tourism enterprise where accommodation is required.
- 6.1.14 On this point there is an arguable balanced judgment to be made. On the one hand, Sheinton is a recognised settlement, albeit one that, in relation to the Council's overall development strategy policy, as set out in Core Strategy Policy CS1, is not a main Market Town, Key Centres, Community Hubs even part of a Community Cluster. It is located within the area designated as countryside, but is nevertheless a clearly identifiable village, albeit a small one. It is one that has very few community facilities, and it is therefore unlikely that the village would benefit directly to any great degree in terms of visitor spending. On the other hand, it is clear that neither the development plan nor the NPPF intend that no tourist related development should take place in countryside locations. Considering the location of the site in a broader context, it is likely that majority of visitors will come by car, and the site is not distantly located from other nearby villages and centres, including Cressage, Much Wenlock, Buildwas, Telford and even Shrewsbury. It is not the case that the site is so remote that its location would be so inaccessible as to warrant refusal of consent. The Committee should also be mindful that the accommodation business on the site is one that is already established and that what is proposed is an extension of the existing visitor accommodation at Applewood. This, as set out above, according to the application is proving to be very successful in terms of the bookings that there were in 2018.
- 6.1.15 On this basis, and subject to the considerations of, siting, scale, design and visual impact, including its impact on the AONB, the development can be considered to acceptable and compliant in terms of the principle of the development in relation to Core Strategy policies, CS1, CS5, CS6, CS16 and CS17, SAMDev Policy MD2, MD7b, MD11, MD12 and MD13 and the NPPF.

6.2 Siting, Scale, Design and Visual impact

- 6.2.1 Turning to the issue of siting, scale, design and visual impact, whilst to a degree a separate issue from the principle of the development, it is still a key aspect of Policies CS5, CS16, MD11 and the NPPF in qualifying the tests in relation to the principle of the development. These require that new development must be sensitive to its surroundings, must complement the character and qualities of the site's immediate surroundings, and must otherwise mitigate any impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. In relation to the Shropshire Hills AONB, particular regard must be had to landscape impact and mitigation as well as meet the requirements of other key environmental policies including Core Strategy Policy CS17 and SAMDev Policies MD7b, MD12 and MD13.
- 6.2.3 It is also an issue which is of particular concern to objectors in the comments they have made. Again, to put the issue in context the former farmyard part of the site is currently semi-derelict and objectors generally acknowledge its unsightly appearance. It broadly divides into the two parts with the front or northern end of the site adjacent to the road currently being a relatively steeply sloping farm yard, with a large old barn to the rear of the yard and a line of smaller and rather unsightly sheds running up the eastern side of the site and behind the barn.
- 6.2.4 The barn, as set out above, is substantial and located on rising ground and does not form part of the application. From the road it will, together with the sloping ground, to a degree screen the main part of the site where the new accommodation is to be located. Views from the road and most of the existing houses in Sheinton, will continue to be dominated by the existing barn adjacent to Lillwood, the existing barn on the west side of the site and the converted office at the front of the site.
- 6.2.5 The new buildings will comprise four new glamping pods and a log cabin, which according to the application will comply with the test of conforming to the legal definition of a caravan. These by comparison with the existing buildings, will be smaller and lower structures, and because of their location behind the barn adjacent to Lillwood and the slope of the site, would not be particularly obtrusive in terms of their location within the site or within the village as a whole. The main view of site will be from the public road to the north west and from properties around the church, from which it can be seen to be set on rising ground with woodland behind it, and a large hedge in front of it. As such it is very well set in the landscape, is not obtrusive, the eye is not particularly drawn to it, and it is comparatively good site with the development forming part of the overall built-up area of the village. The new buildings would therefore be well sited in terms of visual impacts and relationship with the existing building group in the village.
- 6.2.6 In terms of scale of development, the key issue, as raised objectors, is about its scale in relation to the size of the existing village and whether this is acceptable. This can be considered in different ways and essentially there are two elements to this; the amount and size of the buildings and development; and the number of people and the activity that it will generate and including the number of vehicle movements.
- 6.2.7 In terms of the amount and size of buildings and the area of floor space, the

glamping pods and the log cabin, will in fact be less than the existing barns and sheds to be demolished, so that if anything there is likely to be a reduction in the amount of buildings on the site, and what there will be will be smaller in scale. The location of the new buildings however may be slightly more visible, as most of the existing sheds to be demolished are located directly east of the barn in the centre of the site, that is to be retained.

- 6.2.8 What is or more significance is the number of bed spaces and therefore potentially the number of people on the site. It could potentially accommodate up to 38 people, although in practice 100% occupancy at any one time is unlikely, so that the number of visitors is likely to be 30 or less at peak times. With the existing unit accommodating up to 14 people, that represents an increase of 24 bed spaces in total. That there is justification to expand appears to be borne out in the application which states that the existing 14 bed space unit was booked every weekend, other than two, in the period between February and September 2018.
- 6.2.9 In the context of a village the size of Sheinton, which consists of approximately 30 houses in the village and immediate surrounding area, this would be a significant transient visitor population. However, if visitors are likely to be away from the site during the day, the maximum number present is most likely to be in the evenings and overnight. The car parking provision on the site includes eight marked out spaces and 4-5 unmarked spaces for visitors, plus separate parking spaces for three staff, so in theory there could be a maximum of 16 vehicles on site at any one time. In practice however the numbers are likely to be less than this. The vehicle movements associated with the site are not going to be significant in the context of existing movements through the village.
- 6.2.10 In terms of the scale therefore, the amount of development is not significant. The number of people and traffic is possibly more significant, but the overall scale even in the context of small village, given the transient nature of the visitors and the fact they would generally leave in the morning for days out and return in the evening with vehicles most likely leaving and arriving over a one to two hour period at the beginning and end of each day. This would not significantly impact on the village, whether in relation to the amount of development and/or the number of people or volume of traffic. To provide a safeguard against any further unregulated increase in the amount of development on the site the Parish Council and objectors have, in their latest comments, raised the issue of whether the amount of development can be conditioned. This can be done insofar it would not be inappropriate to attach a condition which limits the number of glamping pods that can be provided within the scope the consent. This is therefore included on the draft conditions (Condition No. 12) set out in Appendix 2. It should however be noted, that what this condition can only limit the amount of development consented by this permission if approved. What it cannot do is prejudice the determination any future planning application, should the applicant wish to submit a further application at a later date.
- 6.2.11 In terms of the design and visual impact, the development will consist of the conversion and refurbishment of the existing sheds, and some new accommodation. Both will predominantly make use of timber as the main external finish, although exactly how this is to be finished has not been specified and is therefore a matter to be reserved by condition. The site is also to be landscaped, with new trees and

hedgerows as detailed above. There is quite a steep bank/hillside to the immediate east of the site and an area of woodland that extends away to the south east, which as a result means the site is tucked into the side of a hill and is very well screened from the east, although there is also a more open view from the north west. Although Applewood is visible from the public road and the area and properties around the church, the rest of the site is screened to a degree by an intervening hedgerow and the topography of the surrounding fields. The result is that the site sits very well in the landscape without being obviously obtrusive. The details of material finishes, the hard and soft landscaping and any lighting (which has also been raised as a concern by objectors) will be important, but these can all be reserved by condition to ensure that fully acceptable details are submitted for approval and implemented.

- 6.2.12 One final point is that the Parish Council have requested the inclusion of a condition requiring demolition of the two large redundant barns of the site. This cannot be included as they do not form part of the development.
- 6.2.13 In terms of the design and visual impact including the impact on the Shropshire Hills AONB, what is proposed can therefore be considered to be acceptable in terms of compliance with relevant development plan policy and the NPPF, and in relation to the statutory obligation under s.85 of the Countryside and Rights of way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

6.3 Traffic

- 6.3.1 In relation to traffic, the details are as set out above, in the comments on the scale of the development. It should be noted that there was considerable concern from objectors to the application as first submitted, in relation to the livery element and the increased risks to highway safety as result of horses being brought to the site and an increase in the number of horses on the road. With the amendment of the application to omit the livery this concern is no longer relevant. The numbers of vehicle movements otherwise generated by visitors to the site, as set out above, is not likely to be so major as to have a significant road safety impact or adversely impact on the amenity of local residents. The Highways officer has advised that she has no objection.
- 6.3.2 As such the development can be considered to be compliant with Core Strategy Policies CS6, and SAMDev Policies MD2 and MD11 in relation to traffic and highway safety considerations and the requirement to ensure that new development is safe.

6.4 Residential Amenity

- 6.4.1 The other significant concern raised by objectors relates to the potential impact on neighbouring and nearby residential amenity. Regulatory Services have also flagged up the potential for developments of the kind proposed to give rise to some increase in noise from any visitors to the site, particularly if there are any outdoor activities.
- 6.4.2 This can be a difficult issue from a planning perspective, as visitor accommodation of the type proposed is not an inherently noise activity, and in fact is generally a relatively quiet use of land. However, because glamping sites commonly are a semi-

outdoor use of land and most commonly busy in the summer months, outdoor activities can have the potential to cause and do cause occasional disturbance. This may particularly be the case on sites where groups bookings are taken and there is provision of outdoor recreational space. This is very difficult to regulate through the planning system in terms drafting clear, precise and enforceable conditions, and it is largely therefore down to effective management of the site by the operator. In this case the main group accommodation on the site is already existing, whereas the additional accommodation that is proposed is not for such large groups and is more likely to attract small groups including couples and families. However, the proposal does include provision of new outdoor recreational space.

- 6.4.3 An additional related issue in this case that has been raised by the Parish Council and residents is that it was initially proposed that the site would not be supervised on a full-time/permanent basis. This was main issue of concern to the Committee when the application was first considered in April 2019 and the primary reason for the deferral of the application. As set out at the beginning of this report, the applicant has, at the request of the Committee, agreed to provision of a permanent warden on the site whenever there are guests staying. The application has now, as detailed above, been amended to include warden accommodation to enable this and the applicant has confirmed that there will be an on-site warden 24 hours a day, seven days a week, when guests are staying in the newly consented accommodation, i.e. the glamping pods and the log cabin.
- 6.4.4 There will therefore be staff permanently on-site to meet and greet visitors when they arrive. All holiday makers will be provided with contact details and a member of staff will be on hand to respond to any incidents. The applicant has also stated that, the local residents in Sheinton will be provided with contact details so they are able to report any issues at the site, with staff on hand to respond. The presence of a permanent on-site warden can be conditioned and condition to this effect (Condition No. 13) is included in Appendix 2.
- 6.4.5 The concerns about noise and disturbance raised by the Parish Council and local residents are important considerations, but, to the extent that glamping sites, do not inherently give rise to noise or disturbance, this is essentially a management issue and is about how to manage activities on the site and deal with any disturbance, incidents and complaints. Comments from local residents do not suggest or indicate that there has been any significant or on-going disturbance from the existing accommodation or activities on the site.
- 6.4.6 Because of their occasional and unpredictable nature in terms of occurrence and type, incidents that cause disturbance are difficult to control through specific conditions. As set out above, the Parish Council and local residents are concerned that an effective management plan is put in place and have requested that the application be deferred again pending the submission of the management plan. There is, however, no reason why this should not be conditioned with the condition being written to require submission, approval and implementation prior to the occupation of any of the new accommodation. A condition (Condition No. 11) is accordingly included in Appendix 2, requiring the submission and implementation of a management plan, to manage outdoor activities on the site and to deal with specific incidents and complaints as they arise, which can if necessary, then be

enforced if there are recurring problems. It also includes review of the management plan in the event that there is any recurrence of incidents or disturbance to local residents. With the inclusion of such a condition it should be possible safeguard residential amenity and comply with the amenity requirements of Core Strategy Policy CS6 and SAMDev Policy MD11.

6.5 Other Issues

6.5.1 Heritage Impact: As set out above there are a number of nearby Listed Buildings. The Conservation Officer initially expressed some concerns about the impact on these but has in response to the amended plans advised that they are now acceptable in the context of the setting of the listed buildings and respect the character of the landscape. They have recommended the inclusion of conditions relating to material finishes, hard and soft landscaping, surfacing and boundary treatments and lighting. With these the application can be considered to be acceptable in relation to the requirements of Core Strategy Policies CS6 and CS17, SAMDev Policies MD2, MD7b, MD11 and MD13, the NPPF in relation to protecting the setting of the nearby heritage assets and the statutory obligation under s.66 of the Listed Buildings and Conservation Areas 1990 to have special regard to the desirability of preserving Listed Buildings and their settings.

6.5.2 Ecology: As set out above there are no significant issues in relation to ecology on the site, although a European Protected Species 3 tests matrix is included in Appendix 1 with this because of the presence of bats on the site. This is required to ensure compliance with the obligations under the Conservation of Habitats and Species Regulations 2017. In relation to ecology the application can therefore be considered to be acceptable in relation relevant policy including Core Strategy Policies CS6 and CS17, SAMDev Policies MD2, MD11 and MD12, the NPPF.

7.0 CONCLUSION

7.1 The proposed change of use of the farm yard and buildings to a holiday complex including four glamping units and a log cabin at School House Farm, Sheinton, is acceptable in terms of the principle of the development, its siting, scale, design and visual impact, traffic, residential amenity and other issues. It can therefore be considered to be accordance with the Core Strategy Policies CS1, CS5, CS6, CS16 and CS17 of the Shropshire Core Strategy, SAMDev Policies MD2, MD7b, MD11, MD12, MD13, and the NPPF.

7.2 In determining the application, the Council can be considered to have complied the with legal obligations under the Conservation of Habitats and Species Regulations 2017, in relation to European Protected Species present on the site (and having regard to the European Protected Species 3 tests matrix is included in Appendix 1), the Countryside Act 2000 in relation the conserving and enhancing the natural beauty of the AONB, and the Listed Buildings and Conservation Areas 1990 in relation to having special regard to the desirability of preserving Listed Buildings and their settings

8.0 Risk Assessment and Opportunities Appraisal

8.1.1 Risk Management

8.1.2 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.

8.1.3 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

8.2.1 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.

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

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

8.3 Equalities

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

9.0 Financial Implications

9.1 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

10.1 Relevant Planning Policies

10.2 Central Government Guidance:

- National Planning Policy Framework (2019)

10.3 Core Strategy and

- Shropshire Council, Shropshire Local Development Framework: Adopted Core Strategy (Adopted March 2011):
 - Policy CS1: Strategic Approach;
 - Policy CS5: Countryside and Green Belt;
 - Policy CS6: Sustainable Design and Development Principles;
 - Policy CS16: Tourism, Culture and Leisure; and
 - Policy CS17: Environmental Networks.
- Shropshire Council, Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015):
 - Policy MD2: Sustainable Design;
 - Policy MD7b: General Management of Development in the Countryside;
 - Policy MD11: Tourism Facilities and Visitor Accommodation;
 - Policy MD12: Natural Environment; and
 - Policy MD13: Historic Environment.

10.4 Relevant Planning History:

- PREAPP/12/00153 Erection of a dwelling PREUDV 5th April 2012;
- 16/02699/VAR Variation of Condition No. 6 attached to Planning Permission SA/01/0643/O Outline planning application for the erection of 1 no. dwelling for occupation by an agricultural worker from agricultural use to agricultural use and holiday let accommodation GRANT 26th October 2017;
- PREAPP/18/00224 Change of use of former farm yard and buildings for glamping units and livery PREAMD 16th May 2018;
- 18/04266/FUL Change of use of farm yard and buildings to holiday complex to include: some demolition of buildings; siting of four glamping units and one log cabin; works to and change of use of two buildings to form office and store and leisure facilities, formation of parking areas; and installation of package treatment plant (Amended Description) PCO;
- SA/75/0705 To construct liquid manure effluent tank. PERCON 14th October 1975;
- SA/01/1548/RM Reserved matters (pursuant to outline application ref. 01/0643/O dated 20/10/01) to include the siting, design, external appearance, landscaping,

means of access for one dwelling, for occupation by an agricultural worker and installation of a septic tank. PERCON 26th February 2002; and

- SA/01/0643/O Outline planning application for the erection of 1 no. dwelling for occupation by an agricultural worker. PERCON 20th September 2001

11. Additional Information

List of Background Papers: File 18/04266/FUL
Cabinet Member (Portfolio Holder): Cllr G. Butler
Local Member: Cllr C. Wild
Appendices APPENDIX 1 - European Protected Species: The 'three tests' APPENDIX 2 - Conditions

APPENDIX 1***European Protected Species: The ‘three tests’*****Application reference number, site name and description:**

18/04266/FUL

School House Farm Sheinton Shrewsbury Shropshire SY5 6DN

Change of use of farmyard and buildings to holiday complex to include: some demolition of buildings.

Date:

28th February 2019

Officer:

Sophie Milburn

Assistant Biodiversity Officer

sophie.milburn@shropshire.gov.uk

Tel.: 01743 254765

Test 1:

Is the development **‘in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

The development would be for imperative reasons of overriding public interest, of a social or economic nature and would have beneficial consequences of primary importance for the environment. The development is in line with and will enable the implementation of Shropshire Council Core Strategy Policy CS16 in promoting connections between visitors and Shropshire’s natural, cultural and historic environment, including through active recreation, access to heritage trails and promoting opportunities for accessing, understanding and engaging with Shropshire’s landscape, cultural and historic assets including the Shropshire Hills AONB and rights-of-way network. It does this by virtue of its location in the Shropshire Hills AONB and on Footpath No. 3

Test 2:

Is there **‘no satisfactory alternative?’**

Alternatives would include either complete relocation of the existing accommodation and development on an alternative site or splitting the business to provide new

accommodation on an alternative site. The alternatives would have significant economic costs to the developer and may not be feasible or viable as the owner of the site may not have alternatives sites available and even if they do the costs may not make this feasible. Relocation to another site would not provide the direct access to the rights of way network and the Shropshire Hill AONB that this site offers, given that Footpath No. 3 passes through the site.

Test 3:

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

Bat surveys in August and September 2018 identified a day roost for an individual common pipistrelle in Building 1

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the building is going to be demolished.

Section 4.4.2 of the Ecological Assessment (Turnstone, October 2018) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- 'No enforced timing restrictions due to use by a low number of common species, although demolition works ideally planned for when bats are likely to be active (overnight temperatures over 8°C).'
- 'Prior to the start of works affecting the buildings a suitably qualified ecologist will deliver a tool box talk to contractors and staff on site'
- 'Provision of replacement roosting locations for the duration of works with two Schwegler 2F bat boxes erected on retained trees present along the unaffected eastern and western boundaries. These boxes will remain in situ post-works.'
- 'A wooden bird box will be placed adjacent to the bat boxes to help ensure the bat boxes remain open for use by bats.'
- 'Roof sheets and barge boards on Building 1 to be removed carefully by hand and under the supervision of a licensed ecologist.'
- 'If bats are found during works, they will be caught by a licensed ecologist who will be wearing suitable gloves. The bat will be placed in to a cloth bag and carefully moved in to a previously erected bat box.'
- 'Long term replacement bat roosting provision will be incorporated within or on the new office building and in or on Building 9 once converted into stables. New roosting features will include a total of two bat tubes and two bat boxes (such as a Schwegler 1FQ) suitable for year-round use by crevice dwelling species erected on a southern or eastern elevation. Bat boxes and tubes provide integral roosting provision that is both discreet and secure, creating a self-contained unit that does not provide access into the wall cavity.'
- 'Buildings 9 and 10 to remain accessible for foraging bats.'
- 'Breathable roofing membranes (BRM) must not be used in the construction of

the new roofs where roosting features are created due to issues with bat entanglement and reduced membrane performance if used in areas of bat use. 1F bitumastic felt should be used instead.'

- 'No lighting directed on known, potential or newly created bat roost access points and roosting features and only movement activated timed security lighting used outside of potential roosting locations.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of common pipistrelles at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Consultee Access (dated 28th February 2019) are included on the decision notice and are appropriately enforced. The conditions are:

- Working in accordance with protected species survey;
- European Protected Species Licence;
- Erection of bat boxes; and
- Lighting plan.

Guidance

The 'three tests' must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary (since no offence under the legislation is likely to be committed), it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative). Further information may be required from the applicant/developer/agent to answer these tests. This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further information is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

Test 3 (favourable conservation status) will be considered by SC Ecology, with guidance from Natural England.

A record of the consideration of the three tests is legally required. This completed matrix should be included on the case file and in the planning officer's report and should be discussed and minuted at any committee meeting at which the application is discussed.

As well as the guidance provided below, pages 6 and 7 of the Natural England Guidance Note, *Application of the Three Tests to Licence Applications*, may assist the planning officer to answer tests 1 and 2.

Answering the three tests

Test 1

Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

Preserving public health or public safety must also be shown to constitute a reason of **overriding public interest**. You need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public, e.g.:

1. If an unstable structure (e.g. a building or tree) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.
2. If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Imperative reasons of overriding public interest

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992). Projects that are entirely in the interest of companies or individuals would generally not be considered covered.

Test 2

Is there 'no satisfactory alternative?'

An assessment of the alternative methods of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected Species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) any other solutions, and c) whether the alternative solutions will resolve the problem or specific situation in (a).

Test 3

Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; and b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of the destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected.

Compensation measures do not replace or marginalise any of the three tests. All three tests must still be satisfied.

APPENDIX 2

Conditions

STANDARD CONDITIONS

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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the above ground works commencing samples and/or details of each new and refurbished building including the following:
 - The roofing materials,
 - The materials to be used in the construction of the external walls (including the colour/details of any timber cladding which should either not be stained or otherwise treated on the new buildings or treated with a dark or black stain, on the existing refurbished building unless otherwise agreed with the Local Planning Authority) and other external materials;
 - Details of all external windows and doors and any other external joinery (including full size details, 1:20 sections and 1:20 elevations of each joinery item which shall be indexed on elevations on the approved drawings).

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

4. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan, including details both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements;
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Details of boundaries, including any hedging and fencing, and any signage (which should not be illuminated);
- g) Details of the different surfaces for hardstanding, drives, parking and paths through the site (with the first five metres of the access from the public highway being constructed with a sealed hard surface to prevent re-location of loose material onto the highway);
- h) The locations and details of bin storage and recycling collection plus other storage/parking facilities for bikes etc. and
- i) Implementation timetables.

The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and to ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

5. No development shall take place to Building 1 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

Reason: To ensure the protection of bats, which are European Protected Species.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

6. Prior to first occupation/use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 4 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, 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 opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

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

- 1 artificial nest suitable for barn owls.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific) and/or house martins (house martin nesting cups).

The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

8. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall:

- Include details of the lighting of any terraced/decked areas, car parking and paths through the site which shall be limited to reflective bollards or a similar type of lighting; and
- Include details of any lighting to be provided on any buildings with the doors installed on the western facade of the games room/warden's accommodation being of solid construction or with minimal glazing to prevent light spill;
- Demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions).

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. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To enable the Local Planning Authority to minimize light spillage beyond the site and thus minimize the potential for light pollution and nuisance and to minimise disturbance to bats, which are European Protected Species.

9. All demolition, site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Ecological Assessment (Turnstone, October 2018).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

10. Prior to the first occupation of the development hereby permitted, the car parking spaces shall be constructed and kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of staff and visiting occupants of the existing and proposed accommodation and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking is provided for the lifetime of the development.

11. Prior to the first occupation of the development hereby permitted, a management plan setting details of the management and control of any outdoor activities undertaken on the site by visiting occupiers of the holiday accommodation, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how any such activities shall be managed and controlled so as not to cause disturbance or adversely affect the residential amenity of neighbouring and nearby residential occupiers and shall include details of how any reported incidents or complaints are to be managed to ensure that there is no recurrence of any such incidents and review of the management plan in the event of any such recurrence.

Reason: To ensure adequate site management and supervision and to protect the residential amenity of neighbouring and nearby residential occupiers in accordance with Core Strategy Policy CS6 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

12. This permission shall relate only to the demolition and construction works detailed in the submitted drawings. The accommodation shall be limited to 4 glamping pods and the log cabin only and these shall only be sited and constructed in accordance with the approved plans and drawings. The other on-site facilities, buildings and structures shall only be used by the occupants of the visitor accommodation and for no other purpose.

Reason: To limit development of the site and to protect the residential amenity of neighbouring and nearby residential occupiers in accordance with Core Strategy Policy CS6 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

13. A warden will be retained on-site at all times (24 hours a day/seven days a week) when the visitor accommodation comprising any of the 4 glamping pods and log cabin, approved by this consent are occupied.

Reason: To ensure adequate site management and supervision and to protect the residential amenity of neighbouring and nearby residential occupiers in accordance

with Core Strategy Policy CS6 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

14. The accommodation approved by this permission, comprising the 4 glamping pods and the log cabin shall be occupied for no more than ten months in each calendar year in the period starting on 1st March and ending on 31st December.

Reason: To limit development of the site and to protect the residential amenity of neighbouring and nearby residential occupiers in accordance with Core Strategy Policy CS6 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

15. Footpath 3 which runs off the access at the north west corner of the site in a south westerly direction must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and once the development is completed. To safeguard access and the line of the Right of Way:

- No building materials, debris, etc shall be stored or deposited on the Right of Way;
- There shall be no reduction of the width of the Right of Way;
- The alignment of the Right of Way shall not be altered.
- The surface of the Right of Way shall not be altered (unless otherwise first agreed in writing by the Local Planning Authority) or damaged; and
- No additional barriers such as gates or stiles shall be added to any part of the Right of Way (unless otherwise first agreed in writing by the Local Planning Authority).

Reason: To safeguard access to and the line of the Right of Way:

16. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 1987, the development hereby permitted shall be used to provide holiday accommodation only and they shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any settlement where the change of use to unrestricted residential accommodation would be contrary to adopted Development Plan housing policy and to comply with the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

Informatives

General

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.

Highways

Mud on Highway

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

No Drainage to Discharge to Highway

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

Works on, Within or Abutting the Public Highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any 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.

Lighting/Sky Glow

There is increasing concern over the problem of 'sky glow' caused by artificial lighting in towns and cities. Astronomical observations have been severely affected in recent years and there is a growing lobby to curtail lighting that emits light above the horizontal. Highway Authorities take due regard of this problem when specifying new highway lighting and recommend that all proposals for exterior lighting should also comply with this requirement.

Ecology

Nesting Birds

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an

active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, 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.

Wildlife Protection

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

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

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

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

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

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

Where possible, trenches should be excavated and closed in the same day to prevent

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

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

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

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

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

European Protected Species Mitigation Licence

No development shall take place to Building 1 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained by the developer from Natural England, in accordance with section 4.4.2 the Ecological Assessment (Turnstone, October 2018).

Drainage

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water

Management: Interim Guidance for Developers document. It is available on the Council's website at:

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidancefordevelopers.pdf>

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

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

Contamination

The applicant should be aware that if they have any knowledge of land contamination as a result of any current or historic events or storage on site they should state this at any future planning application stage

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Committee and date
 Central Planning Committee
 4 July 2019

Item
9
 Public

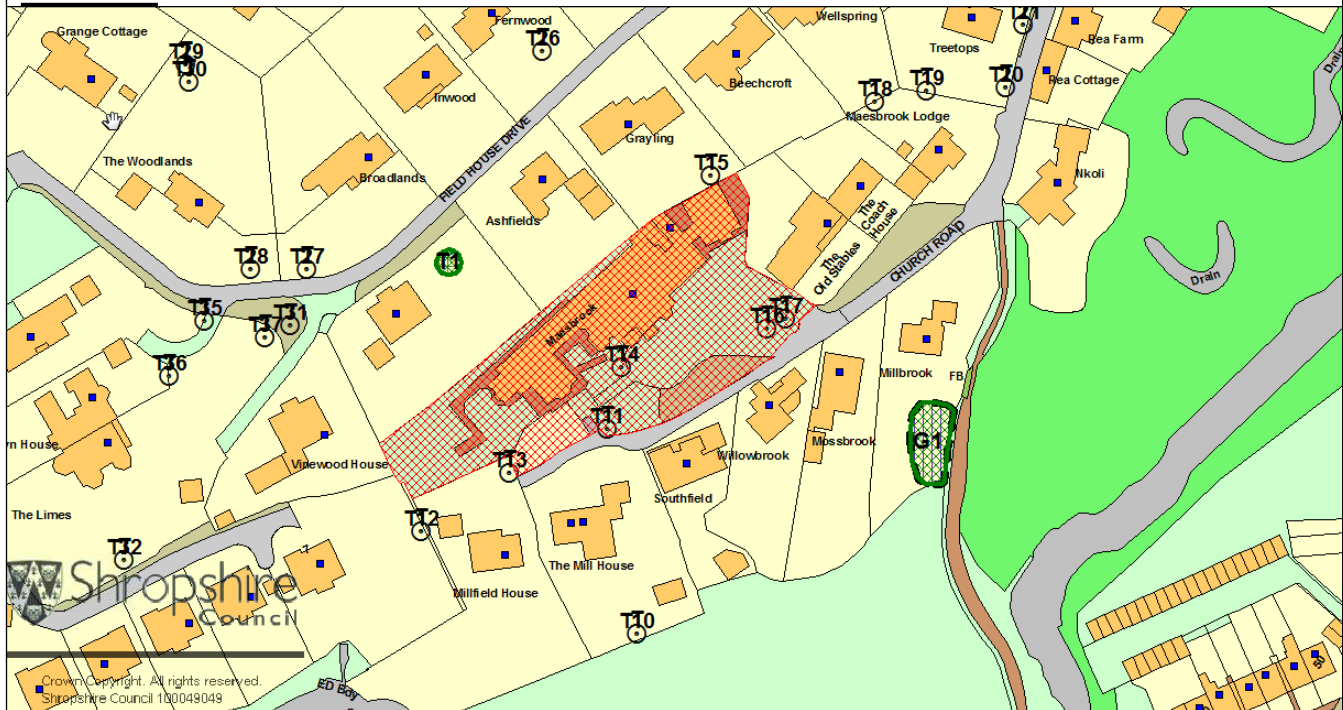
Development Management Report

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

Summary of Application

Application Number: 19/01132/FUL	Parish: Shrewsbury Town Council
Proposal: Erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights (revised scheme to include raise ridge height on approved extension to annex roof with fire escape from new first floor link bridge together with zinc roof line raised)	
Site Address: Maesbrook Nursing Home Church Road Shrewsbury SY3 9HQ	
Applicant: Maesbrook Nursing Home	
Case Officer: Shannon Franklin	email: planningdmne@shropshire.gov.uk

Grid Ref: 348379 - 310177



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Recommendation:- The application is approved subject to the conditions set out in Appendix 1.

ADDENDUM TO REPORT

The application was previously considered by members at the central committee dated 9th May 2019 at which it was decided that consideration of the application be deferred to a future meeting of this Committee to allow for information to be provided in relation to the impact of the development on the protected Copper Beech tree in an adjoining property.

Since this date the applicant has provided an Arboricultural Impact Assessment Method Statement and Tree Protection Plan. The statement confirms that subject to the imposition of appropriate protective measures, the proposed development can be implemented without significant harm to the Copper Beech Tree to the north of the site considered by Members, together with other trees in the wider site setting, including those subject to Tree Preservation Orders, and no loss of any protected trees will occur.

The SC Tree Officer has reviewed this document and provided the following comment:

I have reviewed the submitted arboricultural details and consider that, providing all tree protection measures identified in the Arboricultural Method Statement are implemented through-out the proposed development, there will be no significant impact to any retained tree.

I would recommend the following condition be attached to any grant of planning permission:

In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

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

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Arboricultural Method Statement and Tree Protection Plan forming part of the Arboricultural Report dated 15th May 2019 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground

levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

As Members deferred the determination of the application for the sole reason as to consider the impact of the development on the protected Copper Beech tree to the north of the site within and adjoining property, and no objection has been raised by the SC Tree Officer and the additional information requested provided, resultantly, the Officers recommendation for approval has not altered. Officers therefore recommended that the scheme is approved in line with the contents of the original report below save for the addition of an additional condition at Appendix 1 as suggested by the Tree Officer.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for a revised scheme resulting in the erection of first floor extensions to the northeast part of main building to create three additional bedrooms; a link corridor to these additional bedrooms with an increase in height of roof and insertion of additional windows.
- 1.2 A scheme seeking the same works in principle; three additional bedrooms and a link corridor, was permitted in decision notice 17/05387/FUL on 15th March 2018 however, following consultation with the building regulations the applicant is now required to provide an internal fire escape staircase and increased head height. The application therefore seeks a raised ridge height on the approved extension to the 'annex' roof together with a fire escape from the first floor link bridge to a new ground floor entrance hall, together with an increase in the zinc roof line height to the third bedroom and corridor.

2.0 PLANNING HISTORY

- 2.1 The site has an extensive planning history, the key applications of which are highlighted below:
- SA/89/0571 – granted planning permission for the conversion of the original building from a private home into a nursing home including provision of a single storey extension to the rear (northwest) elevation.
 - SA/97/1151 – granted planning permission for the erection of a single-storey building linked to the main building providing four additional bedrooms. This building is located to the northeast side of the original building and is known as the 'annex' and is the main portion of the building on site affected by the current application.
 - SA/07/1620/F – granted a two-storey extension providing additional bedrooms and communal space. This extension is to the southwest elevation of the original building.
 - 17/05387/FUL – granted planning permission for a first-floor corridor link and three additional bedrooms in the roofspace of the 'annex'.
- 2.2 A number of other applications permitting smaller scale extensions and alterations including the provision of fire escapes and conservatories have also been granted on site. The building currently on site utilised as a residential nursing home comprises of 39 single bedrooms and 3 shared bedrooms; accommodating a total of 45 residents, together with associated communal space and service facilities such as a kitchen and laundry. A further three bedrooms are permitted under application 17/05387/FUL; the application which this scheme is seeking to revise, but have not yet been constructed.

3.0 SITE LOCATION/DESCRIPTION

- 3.1 The application relates to Maesbrook Nursing Home which is located in the area of Meole Village approximately 2.4km to the south of Shrewsbury town centre. The building is situated to the southern end of Church road, a narrow lane serving the site and other residential properties. The building has been extended to both the northeast and southwest sides together with extensions to the rear (northwest) elevations throughout the 30 years it has operated as a nursing home
- 3.2 The nursing home is roughly formed of three parts; the annex building, the original building and an extension granted planning permission in 2007. To the southwest the site has a patio and lawned garden area and to the south elevation there is a car park split into two levels formed of sealed tarmac. The site is accessed via Church Road and is bounded in all directions by detached residential dwellings in both single and two storey formats and of varying ages and design styles.

4.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 4.1 The application does not comply with the delegation to officers as set out in Part 8 of the Council Constitution as the Local Member has requested that the application be determined by committee within 21 days of being notified of the application. Resultantly the Area Planning manager together with the Chair and Vice Chair of the committee have discussed the application and the reasons for the Local Member 'call-in' and confirmed that a decision via committee is appropriate.

5.0 COMMUNITY REPRESENTATIONS

5.1 - Consultee Comments

5.1.1 Shrewsbury Town Council – 11.04.2019 - Objects

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

- Being mindful of the fact that the Nursing Home is set in a prominent location within the Meole Brace Conservation Area, the style chosen neither enhances nor preserves the area.
- The building is of particular historical importance and the Council regards the link building is of an unsympathetic design within its context and is not in-keeping with the existing building and its historical context.
- Members consider the proposed extensions overdevelopment of the site and the overlooking windows impact on the privacy of the neighbouring properties.
- Increasing the capacity of the Nursing Home will exacerbate the current traffic problems particularly congestion around the narrow streets of Church Road.
- Members request that it be investigated as to whether the planning conditions set by Shropshire Council within previous applications have been met; particularly conditions regarding scale of the facility and bed numbers, extraction from the laundry and treatment of sewage.

- The Town Council requests that the Central Planning Committee consider this application.

5.1.2 **Shropshire Fire and Rescue – 19.03.2019 – No objection**

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

5.1.3 **SC SUDs – 14.03.2019 – No objection**

No objection has been raised to the application however the applicant should implement an appropriate sustainable drainage scheme. The relevant Guidance provided by the council and within the Planning Practice Guidance should be adhered to and preference should be given to drainage measures which allow rainwater to soakaway naturally. Informatives are recommended

5.1.4 **SC Conservation – 26.04.2019 – No Objection**

The application site is located some distance outside of and to the south west of the southerly extent of the Meole Brace Conservation Area. The property is occupied by what was originally built in the early 20th Century (sometime between 1902 and 1927 according to historic OS mapping editions) a large red brick villa ('Maesbrook'), but more recently which has been occupied by a nursing home, and with more modern extensions to the easterly end of the main building being added.

The subject application appears to increase the height of the easterly-most modern extension to two storeys while also modifying and expanding the link feature which joins the earlier building to the modern extension. Having considered the proposal, on heritage grounds there is no objection raised to the alterations associated with the height increase of the extension as shown on the plans as in itself it would retain a visual detachment from the earlier traditional villa building. Some consideration of modifying or reducing the scale of the extensions/alterations proposed to the link feature however may be warranted in order to maintain a more visually clear distinction between the original/earlier and the new buildings – the link feature as submitted appears somewhat visually awkward in its proposed form and design and may represent overdevelopment of the site in light of potential impacts on the original/early villa occupying the site.

Due regard to 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, and Chapter 16 of the National Planning Policy Framework (NPPF) (revised 2018) is required on this application, where some revisions to the scheme may be required to satisfactorily address issues of good design in the context of the site.

5.2 - Public Comments

5.2.1 The residents of fifteen neighbouring properties were individually notified by way of

publication of this application. At the time of writing this report, six individuals had submitted representations objecting to the scheme. These representations cite the following reasons for their objections:

- Continued conflict between the nursing home, its visitors and the immediate neighbours;
- Objections to previous applications have been overridden by planning officers;
- Overlooking caused by proposed rooflights, windows and doors;
- Issues with the existing drainage network;
- The site does not comply with its existing conditions and is therefore overdeveloped;
- There is no provision for additional car parking for visitors;
- Visual impact on the area and outlook from neighbouring dwellings;
- Narrow lane serving the site has exiting highways issues which will be worsened by the proposal;
- The external first floor area could become a staff smoking area;
- Significant increase in height from the original approval impacting neighbours through overshadowing;
- Use of the site is commercial and therefore not compatible with neighbouring residential dwellings;
- The holly hedge to the north and the ecological specimens it houses will be impacted by the scheme;
- There is an existing level of noise, intrusion, light pollution and smell from the property which will be exacerbated by the proposal.

6.0 THE MAIN ISSUES

- 6.1
- **Principle of development**
 - **Siting, scale and design of structure**
 - **Visual impact and landscaping**
 - **Other issues**

7.0 OFFICER APPRAISAL

7.1 Principle of development

7.1.1 The principle of development to provide three additional bedrooms at the property has already been established through the granting of planning application referenced 17/05387/FUL. This application permitted an increase in the roof height of the 'annex' building from 5.6m at the ridge to 7.4m and enabled a first-floor link corridor and additional bedroom to be provided in the form of an extension to the original building on site.

7.1.2 This current application seeks to provide an internal fire escape staircase and raise the ridge height of the 'annex' further and raise the approved height of the zinc

roofed link corridor and first floor bedroom. These changes are required in order for the proposed bedrooms and corridor to be compliant with buildings regulations and therefore implementable and useable as additional bedrooms.

- 7.1.3 Officers are therefore considering whether the alterations between the existing approval and the proposed revised scheme are acceptable. The provision of three bedrooms is acceptable and is not disputed in principle.
- 7.1.4 The primary policies under which the application is to be considered are therefore related to design and appearance. Policy CS6 of the Shropshire Core Strategy states that while extensions and alterations to existing properties are acceptable, development should conserve and enhance the built environment and be appropriate in scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity.
- 7.1.5 Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible and Section 12 of the National Planning Policy Framework – Achieving well designed places, reinforces these goals at a national level, by requiring design policies to reflect local aspirations ensuring developments are sympathetic to local character, visually attractive and establish a strong sense of place.
- 7.1.6 MD13: Historic Environment and CS17: Environmental Networks seek to ensure that development protects and enhances the local character of the built and historic environment, together with protecting environmental assets within Shropshire and creating a network of natural and historic resources for residents and visitors to access and benefit from.

7.2 Siting, scale and design of structure

- 7.2.1 The application seeks planning permission for a revised scheme of works to provide a first-floor extension comprising of a link corridor, an extension to provide an additional bedroom at first floor level and alterations to an existing roof space to create two further additional bedrooms. All three bedrooms sought will have an en-suite. The permitted scheme is not compliant with building regulations requiring a fire escape and increased headroom at first floor level. The current application therefore seeks the following alterations between the permitted scheme and the proposal:

- Increase in the height of the roof to the 'annex' resulting in a ridge height of 8.1m and an eaves height of 4.6m;
- Increase in height of the zinc flat roof to 6.2m at its highest point;
- Provision of an internal staircase with a catslide roof culminating in an entrance porch and ground floor level;
- Provision of 6no. roof lights as opposed to the approved 4no;
- Provision of two windows; one to each bedroom, which are to be obscure glazed fixed shut to the the northeast elevation within a new gable feature of the roof;

- Provision of an entrance ramp to the southeast elevation of the annex.

7.2.2 Firstly, in considering the alterations to the roof heights Officer's recognise that the existing ridge height to the 'annex' is 5.6m, the approved height is 7.4m and that the proposal seeks a ridge height of 8.1m. This alteration has a corresponding impact on the eave's height of the building such that it increases to 4.6m. The flat roofed zinc corridor has an approved roof height of 5.0m and the first-floor bedroom 6.7m which will increase to approximately 6.2m and 7.0m in height.

7.2.3 The increases in height across the proposal from that approved to the proposal are modest and will not result in a significant negative impact or alteration in the bulk and visual appearance of the building. The zinc roof portion will remain subservient to the main building terminating below the eaves of the original building and the increase in height of the 'annex' will not be experienced as significant due to the use of a hipped roof. The gable proposed to the northeast elevation of the hipped roof will again demonstrate subservience to this portion of the building and is in proportion with the existing features of the building such as the entrance porch.

7.2.4 The additional fire escape required to meet current building regulations will result in a catslide roof extending from the first floor down to the new entrance door to this portion of the building. As a result an addition 17.8m² of internal space will be created in an alcove between the 'annex' and the original building which is currently laid to tarmac hardstanding and serves no designated function within the site layout. The southeast elevation of this stairwell will be set back from the principal elevation of the main building and due to the roof profile and its siting between the two building components it is not considered that this feature will appear prominent. The inclusion of this link feature and catslide roof is supported from a heritage perspective as it ensures that the more modern extension on the 'annex' remain separate to the main building, a red brick villa built in the early C20th.

7.2.5 Finally, in response to the additional rooflights proposed no concerns over their siting are identified at this stage given that they will be within the roof slope and are of an appropriate size commonly found within residential dwellings in the neighbouring properties. The scale and profile of the gable to the northeast elevation is considered to be acceptable as it is subservient to the main roof structure and the windows within it, which have been revised from the original submission, are also considered to be of an acceptable size and siting. The impact of this addition on neighbouring residential amenity is discussed below.

7.2.6 On balance, while it is recognised that the alterations necessary to obtain building regulations compliance at the site will increase the height of the approved building and result in a small increase in floor area, given the existing approval on site and the siting of the extension within the plot it is not considered that the differences will result in significant concerns over the siting, scale or design. The scale of the enterprise will not alter from that previously approved and is therefore not considered to represent overdevelopment of the site, contrary to public comments received and therefore on this basis it is not considered an objection could be upheld and the proposal is therefore considered to be acceptable.

7.3 Visual impact and landscaping

- 7.3.1 The alterations relate solely to the northeastern end of the building, the 'annex' building and the immediately adjoining portion of the original building. The later 2007 extension to the southwest is unaffected by the scheme. The portion of the building to which the application primarily relates is not clearly visible from the nearest public viewpoint, Church Road, due to the site boundaries and the mature holly hedge and trees to the shared boundary with the neighbouring dwelling, The Old Stables. In particular the orientation of the 'annex' to the main building ensures that the link corridor and first floor bedroom is almost entirely screened from this angle.
- 7.3.2 The existing 'annex' uses a hipped roof which will be raised by an additional 0.7m above the existing approval as part of the application. Additionally, a flat roof, formed of zinc; again increasing in height from that previously permitted, and a catslide roof to the fire escape stairwell; an entirely new aspect of the revised scheme, have the potential to be glimpsed from points along the public highway.
- 7.3.3 Considering the scope of the works, the existing approval and the existing screening in place it is not considered that any significant visual impact will arise when viewing the proposal from the nearest public viewpoints. The revised scheme of alterations will be seen in context with the existing building which has undergone a number of changes and alterations such that more modern additions do not appear out of character, and the link feature and catslide roof ensure a clear distinction between the original building and the more modern annex and its associated alterations. This is considered to be an appropriate solution from a heritage perspective given the age of the original building and the desire to maintain its original frontage.
- 7.3.4 The site is not located within the boundaries of a Conservation Area and the nearest boundary to the Meole Brace Conservation Area is a sufficient distance from the site that no impact upon its character is considered to arise. Similarly, there are no public footpaths affected by the proposal due to their distance from the site and the existing residential properties sited between the footpaths and the development site.
- 7.3.5 Neighbouring residents; primarily those located at The Old Stables and Grayling will be able to see the proposed alterations from within the curtilages to their properties. There may also be some views of the proposal from windows in the upper storeys of these dwellings. Given the existing arrangement and views of both the ground floor flat roofed extension to the northwest (rear) elevation, an existing pitched roof linked corridor and the hipped pitch roof of the 'annex' building it is not considered that the proposal will have a significant negative impact on these properties in terms of their visual outlook. The development will not encroach any close the these neighbouring properties of their shared boundaries further minimising the visual impact and prominence.
- 7.3.6 The proposal will utilise a mixture of non-traditional materials including larch timber cladding and natural slate together with sedum and zinc roofing. Not all of these materials are commonly found within the locality nor are they all present on the existing building however they were permitted for use as part of the previous application and it is not considered that they will result in an unacceptable visual

impact.

7.4 Residential Amenity

- 7.4.1 The application will introduce 3no. additional bedrooms at a first-floor level to the existing premises as per the previous permission granted on site (Ref: 17/05387/FUL). When considering the impact on residential amenity on neighbouring occupants, together with the occupants of the proposed residential accommodation sought, overshadowing, overbearing and overlooking must be taken into account.
- 7.4.2 In terms of overlooking caused by the works to the 'annex' portion of the building it is not considered that the proposal will have any significant impact to neighbours as it utilises rooflights within the roof slope to the northwest and south east elevation of the hipped roof and obscure glazed window to the north-eastern elevation. Within the hipped roof structure there are two windows located in the rear and two in the front elevation, all at first floor level. These windows will be opening but will not provide a clear outlook into neighbouring gardens or properties due to their siting, therefore any overlooking concerns are minimal. Therefore these windows, which are to be of a conservation style, are not considered to have a significant negative impact on the privacy of the neighbouring residents at The Old Stables or the other surrounding dwellings due to the orientation, roof pitch and size of the windows.
- 7.4.3 A small gable is included to the northeast elevation which will contain two windows approximately 600 x 600mm in size. These windows are to be obscure glazed fixed shut so that no views in this direction are available to the occupants of the room. On balance it is therefore considered that the impact of these windows on neighbouring residential amenity will be limited, offering no outlook towards the rear garden of The Old Stables.
- 7.4.4 The door forming a 'juliet' style balcony; serving the additional bedroom created at a first-floor level and attached to the main building, will look towards the annex and will be orientated such that there are no clear views from the window towards existing neighbouring properties or their curtilages. The additional window to the rear (north) elevation of the first-floor link will look north-northwest towards the residential dwelling Grayling, this window will be approximately 27.0m from their rear elevation and is not considered to impact upon their privacy significantly given the existing first floor windows of the nursing home in place and the distances involved.
- 7.4.5 The additional first floor bedroom attached to the main building and the first-floor link corridor will have an increase roof height as part of this revised application, approximately 300mm above the original approval. Given the limited increase in height of this portion of the building, together with the distances from the nearest elevations of neighbouring buildings; 21.9m from the nearest rear elevation of Grayling, 24.5m from the nearest rear elevation of Ashleigh, this portion of the development is not considered to be experienced as overbearing to neighbours nor will it impact overshadowing of the neighbouring properties.
- 7.4.6 It is accepted the increase in ridge height of the 'annex' annex to 8.1m at the ridge utilising a hipped roof, will increase the overshadowing caused by this portion of the building however, the hipped roof design minimises the shadow as much as

possible and any shadow will predominantly fall on land within the applicant's ownership or on land already impacted by the existing arrangements or the mature tree and hedge planting separating the development site from the neighbouring property The Old Stables. It is not considered that the increase in overshadowing caused by the development is sufficient to constitute a reason for refusal, particularly when considering the existing approval for a roof of a similar profile only 700mm lower.

- 7.4.6 In considering whether the proposal will be overbearing on the neighbouring properties officers consider that no issues will arise as the footprint of the development will not encroach any closer to the neighbouring properties and the proposal will not be situated directly on a shared boundary. The heights and profile of the revised scheme, although increased in places will not significantly alter the experience of existing residents and will not result in a demonstrable negative impact to neighbouring resident's amenity.

7.5 Other Issues

- 7.5.1 The neighbouring residents have raised concerns regarding the number of bedrooms and the impact on car parking at the site. It is necessary to clarify that and existing planning permission 17/05387/FUL has granted and additional three bedrooms on site and within the report, Officers concluded that on balance the increase in bedrooms would not have a significant impact upon the highways network or result in overdevelopment of the site, sufficient to warrant refusal of the scheme. This current proposal seeks a revised scheme to enable the three bedrooms previously approved and their access to be building regulation compliant.
- 7.5.2 The nursing home on site currently on site currently comprises 39 single bedrooms and 3 shared bedrooms; accommodating a total of 45 residents, together with associated communal space and service facilities. A further three bedrooms are permitted under 17/05387/FUL application but have not yet been constructed. Therefore, a development on site comprising of 45 bedrooms and 48 residents has already been accepted in principle, the application does not seek to alter this position.
- 7.5.3 While it is noted there is a condition on a previous approval (SA/07/1620/F) at the site which reads as follows:

"There shall be no more than 37 bedrooms in the combined existing and extended building as granted by this permission and no more than 42 residents shall occupy the combined existing and extended building at any one time.

Reason: In order to ensure that the site is not overdeveloped."

And residents consider this should be implemented again and enforced, a similar condition of this nature cannot be placed on this subsequent decision as the previous reasoning is not sufficient to meet with current legislation and would fail the condition tests set down in the National Planning Policy Guidance. In reality the

concerns of ‘overdevelopment’ of the plot relates to the potential impact on parking which will not alter from the previous approval.

- 7.5.4 As per the previous application, in considering the effect of the increase on the current parking and access arrangements, it is accepted additional visitors will visit the site however, the increase in residents and bedrooms will not require any additional staff to be on site. The site has up to 26 car parking spaces available; 22 on the upper level in front of the main building and an additional 4 at the lower level accessed directly from Church Road, depending on vehicle size, and it is not considered that visitors to 3no. additional residents would have a significant cumulative impact on this arrangement. The narrow lane and requirement to pass a school on the route to the site is recognised by does not alter the consideration of Officers that the site is acceptable from a highway’s perspective. The site is located in a town centre location where the use of public transport to reach the site is possible and is therefore broadly sustainable.
- 7.5.6 The footprint of the building will be increasing slightly as a result of the internal fire escape to be created to the southeast elevation however this will not encroach into the existing area of parking and therefore the arrangement outlined above will remain unchanged.
- 7.5.7 In order to ensure adequate parking on site is retained for staff and visitors visiting both the current and additional occupants, and on street parking within the locality which would negatively impact on the character of the setting is kept to a minimum, an appropriately worded condition will be imposed on any grant of planning permission. This condition will address the primary concern over the plots ‘overdevelopment’ i.e. parking.
- 7.5.8 Neighbouring residents have also highlighted issues with the existing foul drainage capacity at the site. The application seeks to introduce 3 additional bedrooms to the property each with an en-suite bathroom. The increase in demand on the site drainage capacity will therefore be consummate to three persons. The increase in flows associated with this number of residents is not considered to significantly alter the demand of the site and the drainage scheme implemented would be dealt with in more detail at building regulations stage. While Officers recognise there may be issues on site with drainage capacity in the locality, this is considered to be a civil matter which is not controlled by the planning regime, therefore regrettably the level of increase in the use of the existing drainage system is not sufficient to justify alterations or refusal of the scheme.
- 7.5.9 As advised during the most recent application on site, in examining the site, its access arrangements and the existing development in place, officers consider no further acceptable opportunities for extension or alterations to provide additional accommodation are available and therefore the demand on foul drainage and on car parking is unlikely to increase further for the lifetime of the development.
- 7.5.10 Officers have taken into account the previous planning permission on site and the alterations sought as part of the current revised scheme. While the comments of neighbouring residents have been taken into account, Officers do not consider that any of the issues raised are sufficient to warrant refusal of the scheme. The scale

of the proposal is proportionate to the existing building on site, the harm to visual impact will be limited and the impact on neighbouring residents' amenity through overshadowing and overlooking is not considered to significantly alter from the existing position, nor that of the existing approval. Officers therefore consider that on balance the scheme should be approved subject to appropriate conditions in relation to the windows to the first-floor northeast elevation and the parking provision on site.

8.0 CONCLUSION

8.1 On balance it is considered that the cumulative impact of the development on the site and the surroundings does not have a demonstrable impact sufficient to warrant refusal of the scheme. The works are judged to be in scale and character with the existing building, of no demonstrable harm in terms of visual impact and the amenity of neighbouring residents is considered to be preserved. As such the proposal is in accordance with the determining criteria of the relevant policies including CS6 and CS8 and as such approval is recommended.

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.

9.2 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.

9.3 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.

10.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

CS17 - Environmental Networks

National Planning Policy Framework

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

10/03563/DIS Discharge of condition 5 part iii (obscure glazing) and conditions 7 and 8 (drainage) attached to planning application ref. SA/07/1620/F GRANT 12th October 2010

10/03832/AMP Proposed Non-Material amendment to previously approved planning permission Ref SA/07/1620/F GRANT 24th September 2010

10/04193/FUL Provision of ramp to enable disabled access from lower garden to upper garden and retention of existing temporary wooden wheelchair accessible ramp from car park to building (Amended Description) GRANT 11th April 2011

12/02339/FUL Erection of an additional fire escape stair at rear GRANT 16th July 2012

PREAPP/14/00028 Proposed erection of a single bedroomed bungalow in association with the care home and formation of new car parking area PREUDV 19th February 2014

17/05387/FUL Erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights GRANT 15th March 2018

19/01132/FUL Erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights (revised scheme to include raise ridge height on approved extension to annex roof with fire escape from new first floor link bridge together with zinc roof line raised) PCO

SA/89/0571 Conversion of existing private dwellings into private nursing home. Construction of a single storey flat roof extension to provide kitchen and laundry facilities. Erection of a first floor external fire escape staircase. PERCON 10th October 1989

SA/96/0213 Erection of an extension to provide enlarged dining room. PERCON 4th April 1996

SA/07/1620/F Erection of a two storey extension to side providing additional bedrooms and communal space PERCON 7th March 2008

SA/07/1140/F Erection of first and second floor extension to rear and erection of a conservatory WDN 2nd October 2007

SA/02/0380/F Erection of an external Escape Stairway and door, and installation of new dormer window on second floor. PERCON 23rd May 2002

11. Additional Information

[View details online:](#)

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

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

4. The 26no. car parking spaces currently provided on site; 22no. on the upper level and 4no. on the lower level, shall be retained in perpetuity.

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

5. The windows in the first-floor gable to the northeast elevation shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation.

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

6. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any

approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Arboricultural Method Statement and Tree Protection Plan forming part of the Arboricultural Report dated 15th May 2019 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

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

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

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

3. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

4. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

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Committee and date
 Central Planning Committee
 4 July 2019

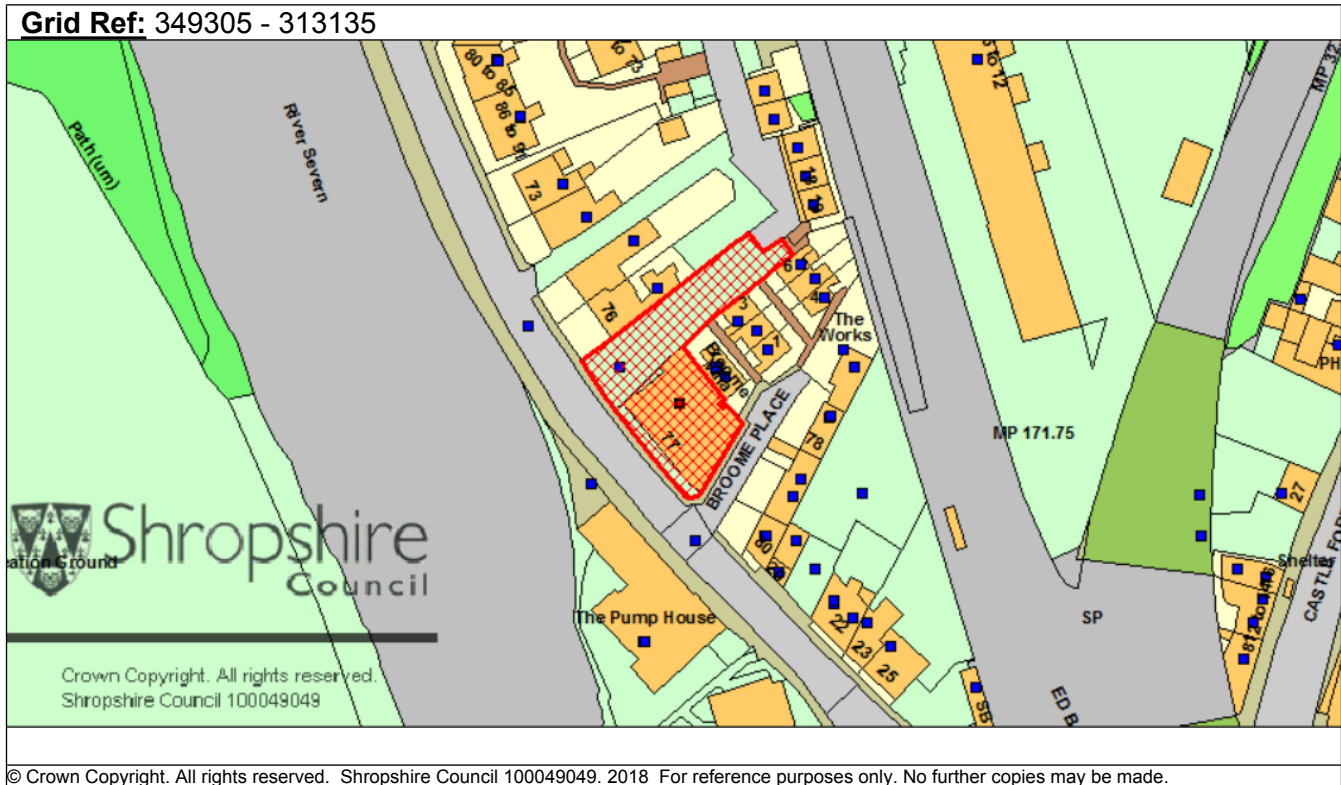
Item
10
 Public

Development Management Report

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

Summary of Application

Application Number: 19/01661/FUL	Parish:	Shrewsbury Town Council
Proposal: Conversion and extension of a former Church into 9 residential apartments with associated car parking		
Site Address: Former Congregational Church Coton Hill Shrewsbury Shropshire SY1 2DP		
Applicant: Verve Church		
Case Officer: Toby Cowell	email: planningdmc@shropshire.gov.uk	



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

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

- 1.1 Planning permission is sought for the conversion of a former congregational church into 9 no. residential apartments to be facilitated by the erection of 2 no. dormers and a collection of rooflights within the roof, a stepped two-tiered extension above the existing single storey element and a link-detached extension at first floor level above the existing car park connecting to Nos. 74-75 Coton Hill and supported by columns.
- 1.2 The application follows an extant permission for the conversion of the building into 5 no. residential apartments, facilitated by a new roof and extension at second floor level together with a stepped back extension at first floor level above the existing ground floor element of the building (ref. 17/05049/FUL). Such development incorporated a black painted metal dry escape route to be erected off the northern flank elevation of the building and extending rearward within the car park to the north-east.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises the former Congregational Church that has more recently been in retail use with a variety of occupiers but is now currently vacant. The existing building faces Chester Street on a major vehicular and pedestrian route and is within close proximity to Shrewsbury Town Centre. The site is also within Flood Zone 3.
- 2.2 The site is also located within the Shrewsbury Conservation Area, and more particularly within the 'Coton Hill Special Character Area' where it features prominently within views along Coton Hill where the site is in close proximity to the river and visible from it and the opposite side. The site is located adjacent to a pair of Grade II listed semi-detached villas, Nos 73-74 and Nos 74-75 to the immediate north of the property, with other heritage assets within the immediate and wider context of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the conflict between the Town Council's objection and the officer recommendation. It was subsequently determined in consultation with the Chair and Vice-Chair that the application should be heard by the Central Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Shrewsbury Town Council

The Chairman allowed representations from three residents who lived in the vicinity of the Congregational Church and believed that they would be adversely affected by the plan proposals. Members supported their concerns.

Shrewsbury Town Council **objects** to the application on the following grounds:

- This development site is in very close proximity to neighbouring residents of Broome Place and no regard has been given to the loss of privacy to those residents whose properties shall be overshadowed by the glassed extension thereby suffering from loss of light and privacy;
- The building is of particular historical importance and significance to the street scene and the choice of extension is out of proportion with the original building. Members noted that there has been a significant shift in scale since the previous iteration and this current plan does nothing to preserve or enhance the area;
- It is considered the choice of materials, particularly the zinc cladding as unsympathetic to the building and the Conservation Area in which it sits. Quite close by there are other building which have used a more appropriate pallet of modern materials and members would prefer to see wood cladding considered;
- Members note that parking is by way of underground parking; they would like to be assured that this is constructed in such a manner so as to be accessible by emergency vehicles.

4.1.2 SUDS

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

4.1.3 SC Conservation

This planning application follows on from a formal Pre-application enquiry we were consulted on affecting the former Congregational Church at the southerly end of Coton Hill. I would also refer you to our Team's consultee comments on the most recently approved residential conversion scheme under application 17/05049/FUL, as well as our comments on an earlier, similar scheme, 15/02654/FUL, which was withdrawn by the applicants prior to its determination.

According to archival information (including Discovering Shropshire's History website and Trinder's 'Beyond the Bridges') the Coton Hill Congregational Church was built in 1908-09 by A B Deakin, replacing earlier 19th Century substantial buildings on the site including Broome Hall, as well as the 'Royal

Baths' health facilities further to the rear. The Church was built mainly in red brick with stone embellishments, and features a distinctive copper-covered domed tower. The church was built here to replace an earlier chapel established in the 1840s at 17 Castle Gates which was subsequently converted into a cinema (which later itself moved across to the large purpose-built Granada Cinema, now a bingo hall); the columns from the earlier chapel's porch are said to have been reused within the Coton Hill Church's tower.

Given its prominent position within the street scene, its design and detailing and its historic interest, the building and its attached Sunday school range is considered to represent a non-designated heritage asset where taking account of local and national policies MD13 and NPPF paragraph 197 would be applicable.

As we have commented on earlier approved schemes, the site is located within the Shrewsbury Conservation Area, and more particularly within the 'Coton Hill Special Character Area' where the building features prominently within views along Coton Hill, and where the site is in close proximity to the river, and visible from it and from the opposite side. The site is also adjacent to a pair of Grade II listed semi-detached villas, Nos 73-74 and Nos 74-75 Coton Hill which are to the immediate north of the property, and there are additional heritage assets within the immediate and wider context of the site. The building is considered to contribute positively to the character and appearance of the Conservation Area and the historic street scene. The building has been vacant for some time and residential conversion of the building has been supported under earlier approved schemes which to date have not been executed.

In considering this current 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, Chapter 16 of the National Planning Policy Framework (NPPF) (revised 2018) and relevant Planning Practice Guidance and Historic England Guidance (including Historic Environment Good Practice Advice Planning Note 3: The Setting of Heritage Assets). As the proposal is within the boundaries of the Shrewsbury Conservation Area, special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area. Section 66 of the Act is also relevant as it requires the need to pay special regard to the preservation of listed buildings and their settings.

The scheme submitted has similarities to the approved scheme in that the former Church and Sunday school would be residentially converted to flats, however in this case the number of units is increased from 5 to 9 with smaller units being proposed. A significant change to the approved plans is the retention in the main of the existing roof of the church, resulting in reduced external alteration to the original building form, where dormers and roof lights would instead be introduced, and the internal roof space used to provide accommodation. Rather than a single

storey extension over the Sunday school, a stepped/tiered two storey extension is now proposed as indicated on the plans submitted.

As noted within the Planning Statement, we have met on site with the agents at a Pre-application stage to discuss this re-worked conversion scheme, where in principle these revisions were generally considered to improve on the previously approved scheme. We suggested additional improvements and inclusion of details - retention of particular fabric, better use of existing and blocked up openings, outdoor terrace detailing and positioning - which have been taken on board under this formal application as noted in the supporting documents submitted, including a Heritage Impact Assessment. Given the interesting internal fabric and detailing, some of which would be lost as a result of this scheme (as in the approved scheme), a full building recording exercise is recommended, to be conditioned, and should be completed prior to any works commencing in compliance with Historic England best practice guidance.

Additionally with this reworked scheme there is a new building element proposed comprising a duplex apartment sited in the space between the Church and the listed semi-detached dwelling to the north. Historic OS Second Edition mapping shows this area as historically being clear of buildings for most of its extent. Given the prominence of the site within the street scene and the siting of designated heritage assets immediately adjacent, introducing a building here needs to be very carefully considered, and since our initial site meeting revisions have been incorporated into the proposed design so that it better reflects the roofline and fenestration pattern of the listed buildings adjacent, including an increased and better articulated separation 'shadow gap' incorporated between the buildings. With these revisions it is considered that the design, finishes, scale and detailing generally respond positively to the listed buildings next door and the building would sit relatively comfortably within this space, subject to the inclusion of conditions to agree finer detailing, joinery and external materials and finishes.

A positive benefit of this reworked scheme is that the overly complex approved flood evacuation configuration has been better rationalised and would result in a visually less intrusive solution. The applicants have also further developed our recommendation to improve the street boundary treatment in terms of additional landscaping to the parking area which at present is quite stark within the street scene however additional conditions on landscaping, boundary and surface treatments is recommended

Overall we generally concur with the conclusions of the heritage impact assessment and the planning statement and on the whole consider that the scheme satisfactorily addresses the relevant historic environment policy and legislative considerations while finding a viable reuse for this heritage asset that better retains its historic external form and fabric. Conditions recommended for inclusion in the Decision Notice should the application be approved include:

JJ30 (Historic Building Recording – Level 2 – Pre-commencement Condition);
CC1 (All external materials); and conditions based on JJ3 (External Services),

JJ7 (Roof details – including glazed balustrading), JJ8 (Rooflights), JJ20 (external windows and doors), JJ34 (Decorative finishes), plus a landscape plan indicating surface materials, boundary treatments and plantings: Reasons: To ensure satisfactory preservation of the heritage asset and to ensure the external appearance of the development is satisfactory.

4.1.4 **SC Archaeology**

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

4.1.5 **Environment Agency**

Flood Risk: Based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed development site (as outlined in red on the Site Location Plan) is located within Flood Zone 3 of the River Severn, which is classified as 'Main River'. In accordance with Table 1: Flood Zones, within the National Planning Practice Guidance (NPPG) Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises of land assessed as having a 1 in 100 year or greater annual probability of river flooding.

Development proposals and the National Planning Practice Guidance: The proposed development is classified as 'More Vulnerable' in accordance with 'Table 2: Flood Risk Vulnerability Classification' of the NPPG; buildings used for dwelling houses.

Sequential Test: Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test' (ST). It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

Further detail is provided in the NPPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required (see Paragraph 102 of the NPPF).

As outlined above, the proposed site is entirely located within Flood Zone 3.

Based on the scale and nature of the proposal, which is considered non-major development in accordance with the Development Management Procedure Order (2010), we would not make any bespoke comments on the ST, in this instance. The fact that we are not providing comments does not mean that there are no ST issues, but we leave this for your Council to consider. Providing you are satisfied that the ST has been passed, then we can provide the following comments on the ET and Flood Risk Assessment (FRA).

Exception Test: If following application of the ST, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, for development within Flood Zone 3, the ET should be applied.

We would recommend that you be satisfied on part 1 of the ET i.e. it must be demonstrated that the development provides *“wider sustainability benefits to the community that outweigh flood risk, informed by (the) Strategic Flood Risk Assessment”*.

Part 2 of the ET states that *“a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”*.

In considering safe development requirements, we recommend that the FRA should assess flood risk to the proposed development and to future occupants during a 100 year plus climate change event.

Flood Risk Assessment (FRA): An FRA was undertaken by Sumner Consultancy to support the 2017 application and has been revised in consideration of the current proposals. The FRA has sought to address the acknowledged flood risk constraints on the site. The design flood (1% flood level fluvial, plus climate change allowance) should be used to inform the consideration of flood risk impacts, mitigation/enhancement and ensure ‘safe’ development.

For ‘more vulnerable’ development (as defined within Table 2 - Flood Risk Vulnerability Classification, Paragraph: 066 Reference ID: 7-066-20140306 of the NPPG) e.g. housing, the FRA should use the ‘higher central’ climate change allowance (35%) as a minimum to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the ‘upper end’ allowance (70%) where feasible.

Climate Change interpolation: In line with our area climate change guidance, for ‘major’ development (as defined within The Town and Country Planning Development Management Procedure (England) Order 2015, we would expect a detailed FRA to provide an appropriate assessment (hydraulic model) of the 1% with relevant climate change ranges.

For Non Major Development (as proposed) we would advise that a hydraulic flood model is produced or existing model is re-run, similar to the approach for major development. This would give a greater degree of certainty on the design flood extent to inform a safe development. However, for ‘non major’ development only, in the absence of modelled climate change information, it may be reasonable to utilise an alternative approach. To assist applicants and Local Planning Authorities we have provided some ‘nominal’ climate change

allowances within the 'Table of nominal allowances'.

To inform a 1% plus climate change flood level the applicant could interpolate such using modelled flood data (as available in this instance) or where the 1% level is available from an existing model add on the relevant 'nominal climate change allowances provided in our 'Table of nominal allowances'.

Design flood level: The submitted FRA has utilised a 1 in 100 year flood level (52.28mAOD) and, applying a nominal 850mm as stated in our Table of Nominal Allowances, the minimum **design flood level** ascertained is **53.13mAOD** for the 1% plus 35% flood event.

The development should demonstrate safe development in relation to access and finished floor level considerations.

1: Safe Access/Egress: Paragraph 054 of the NPPG advises on how a development might be made safe from flood risk. Paragraph 039 provides detail on access and egress.

The submitted FRA confirms an elevated pedestrian access at the first floor level of 56.23mAOD which is significant above the design flood level.

Given our role and responsibilities we would not make comment on the safety of the access, or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard.

We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the National Planning Practice Guidance (NPPG).

Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services. The introduction of car parking into a flood risk area is not without risk and guidance suggests that a vehicle may be moved by depths in excess of 300mm. The AA have recently publish detail relating to the impacts of flooding on vehicles:

<https://www.theaa.com/driving-advice/seasonal/driving-through-flood-water>

Flood Evacuation Management Plan: The NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development.

We do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service.

The NPPG places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. We would advise that you take account of the guidance within **NPPG Paragraph: 057** Reference ID: 7-057-20140306.

We would advise that the Flood Evacuation Management Plan should identify a flood level that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what is an acceptable level of flood risk to occupants.

We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider the development safe and whether a FEMP secures safe and sustainable development.

For your consideration, a comprehensive Flood Warning service operates in this local area. A trigger level may be sought to assist in evacuation.

Evacuation Plan Condition: The following condition is included for consideration by you in conjunction with your Emergency Planning officer/Emergency Services:

Condition: *Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.*

Reason: *To minimise the flood related danger to people in the flood risk area.*

Informative (note) to above: The Applicant /future occupiers should contact 08708 506506 to be set up on our flood warning system. In preparing the evacuation plan the applicant should have note to the FRA. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.

2: Finished Floor Levels: In line with the abovementioned climate change guidance we advise that finished floor levels be set no lower than 600mm above the 1 in 100 year plus climate change flood event. Through discussions with the applicant, and in consideration of the constraints of altering an existing building, we would accept a ground Finished Floor Level of 53.43mAOD (300mm above the design flood event) and, should your Council be minded to approve the application, we would recommend the following planning condition:

Condition: Ground Finished Floor Levels shall be set no lower than 53.43mAOD in line with the submitted Flood Risk Assessment (Sumner Consultancy, Ref 406.06668.0001, dated April 2019) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To help protect the proposed dwellings from flood risk for the lifetime of the development.

Informative – advice for the applicant: In the absence of FFLs being set 600mm above the 100 year flood level plus climate change, we recommend that consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section.

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

4.1.6 **Canal and River Boat Trust**

No requirement to consult.

4.1.7 **Shrewsbury Civic Society**

We have considered this well-crafted application and would like to make some comments.

We are keen to see the Congregational Church back in use and in principle, we support development that will enable this. The building is highly prominent and on a sensitive route at an entry point to the town centre and overlooking the Riverside. It is a fine building of notable design making a very good contribution to the Town Centre Conservation Area. Together with its attached Sunday School extension, it forms a non-designated heritage asset.

The current application has several improved features from the approved permission of 17/05049/FUL. For example, the main roof will be largely retained and the infill building on the north side overcomes the problem of an ugly flood escape facility, while providing a pleasant facade and more accommodation. The provision of smaller apartments may also be advantageous. Certainly, this building needs to be developed, having seen some unsuccessful uses and been unused for several years.

The proposed “linked-detached extension” to the listed Winchester House, is

appropriately designed and forms an architectural bridge as well as an under-passage for vehicles. Its “shadow” recesses give a semblance of individuality to the new building. Unfortunately, the three arch-lintel windows of the North facade of the former Church will be interrupted but we think that this is acceptable. The proposal provides a well argued amount of car parking space and a good resolution to the need for flood emergency evacuation. We think that the fenestration and finishes suggested are very acceptable but we are aware of the importance of the detailing of the supporting columns.

In a previous application we were anxious about a further storey on the top of the main church. Consequently, it is good to see that the main roof will be retained in this plan. Seeing its gable end will be an advantage. However, enlarging the roof by gable extensions on each side will disturb the roof's shape unpleasantly. There could be other solutions to this prominent enlargement. Furthermore, a second storey additional floor on the Sunday School building is too high and exacerbates issues of visual amenity from both Chester Street and Broom Place. We agree with others who object to this intrusiveness.

We are very keen to see this building developed and feel that this application is carefully designed. However, the plans concerning the elevated sections are not sufficiently appropriate for this heritage asset in its Conservation Area surrounding.

For these reasons we hope the application will be re-considered.

4.1.8 **SC Regulatory Services**

The noise assessment refers to expected exceedance of internal British Standard noise values for both daytime and nighttime limits, mainly from traffic noise along Chester Street and to a lesser extent rail noise. As the facade is the main noise barrier and windows and ventilation are point of incoming noise to the property the report suggests mitigation measures in Chapter 7 to ensure that glazing is appropriate to attenuate noise below the limits and for ventilation measures to also provide which also contribute to noise attenuation. Request that should planning permission be granted, condition attached requiring appropriate attenuation to achieve the limits as concluded in the noise assessment in order to protect future occupants.

In addition, condition also recommended requiring construction be set to protect nearby residents. 0800-1800 Monday to Friday, 0900-1300 Saturday, No work Sundays or Bank Holidays.

4.1.9 **SC Affordable Houses**

The threshold which allows the Council to secure a contribution towards affordable housing has not been reached and therefore neither on site provision or financial contribution is required in this instance.

4.1.10 **SC Highways**

The development seeks to convert and extend the former Congregational Church

and retail premises to form 9 apartments. The site has been the subject of previous planning discussion under PREAPP15/00078 and 15/02054/FUL. No highway comments are available for these applications. A further planning application 17/05049/FUL for five larger apartments was granted approval on 29th November 2017. The current application proposes smaller apartments. The site is close to the town centre with good public transport links. Due to the nature of the surrounding highways, a Construction Method Statement including a Traffic Management Plan is required for this development.

No objection; subject to conditions and informatives.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site. Additionally, the occupants of 21 neighbouring properties were individually notified by way of publication. At the time of writing this report, 6 letters of representation have been received objected to the proposed development on the following grounds:

- Impact on privacy of neighbouring properties;
- Development out of character with existing building and adjacent properties;
- Loss of sunlight to neighbouring properties;
- Construction traffic needs to be controlled;
- Potential loss of parking used by adjacent residents.

The local Member Cllr Green has also made representations requesting the application be heard at planning committee over concerns from potential overlooking in relation to the raised terraces, and has questioned whether emergency vehicles can gain access to the rear underneath the proposed link-detached extension.

5.0 THE MAIN ISSUES

5.1 Principle of development

Character and appearance, including impact on heritage assets

Residential amenity

Noise and air quality

Highways

Flooding and Drainage

Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Core Strategy Policies CS1, CS3, CS5 and CS11 seek to steer new housing to

sites within market towns, other 'key centres' and certain named villages. Policy CS4 also allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen; these hubs and clusters were designated as part of the adoption of the Council's Site Allocations and Management of Development (SAMDev) plan.

- 6.1.2 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also states that one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.1.3 Policy CS6 of the Core Strategy seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
- 6.1.4 The provision of housing within the urban area of Shrewsbury accords with the adopted SAMDev Plan Policy S16. Core Strategy Policy CS2 and MD1 of the SAMDev identifies Shrewsbury as the primary focus for housing development for Shropshire. S16.1 states that Shrewsbury will provide the primary focus for development for Shropshire, as a sub-regional centre and Shropshire's growth point, providing approximately 6,500 dwellings during the period 2006-2026.
- 6.1.5 The site is located within an existing built-up area on Coton Hill which is dominated by residential development, particularly to the north and east. The site is within walking distance to Shrewsbury Town Centre which is served by good transport links, including the train and bus stations, and a variety of local shops, services and facilities. It is therefore considered that the application site would constitute a highly sustainable location with respect to new residential development, with the principle of residential units at the site having already been established through the previous granting of permission for 5 units (ref. 17/05049/FUL)
- 6.1.6 It should also be further emphasised that the proposed development would make use of an existing brownfield site which includes the conversion of a non-designated heritage asset. Section 11 of the NPPF places great importance on planning policies and decisions giving substantial weight to the value of using suitable brownfield land within settlements for homes. Paragraph 38 of the NPPF also states that decision-makers at every level should seek to approve applications for sustainable development where possible, and it is considered that the proposed development would constitute a sustainable and effective re-use of an existing brownfield site within an area identified for additional housing within the SAMDev.

6.1.7 There is no objection to the loss of the existing redundant congregational church within the site, and therefore the principle of development is considered to be acceptable, subject to additional considerations in relation to design, neighbouring amenity and flooding.

6.2 Character and appearance, including impact on heritage assets

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

6.2.2 Due to the proximity of listed buildings to the application and with the site being situated within a Conservation Area, due regard must be had to S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

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

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

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

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

c) the desirability of new development making a positive contribution to local

character and distinctiveness.

- 6.2.5 By comparison to the extant permission for converting and extending the former church for residential purposes, the current proposals would retain the existing pitched roof atop the building and instead introduce moderate dormers and rooflights either side to facilitate additional accommodation. Furthermore, the proposals now include a stepped, two-tiered extension above the existing single storey element as opposed to the extant permission which included a first floor extension only. The final substantive change includes the erection of a first floor link-detached extension above the existing car park and supported by columns connecting the building to Nos. 74-75 Coton Hill. Such an extension would facilitate a further 2 residential apartments, incorporating a Mansard roof and mirroring the height of the adjacent properties to the immediate north.
- 6.2.6 The Conservation Officer has appraised the proposed development in relation to the impact upon the existing building (a non-designated heritage asset), the adjacent Grade II listed buildings and the wider Conservation Area. In the round, it is considered that such proposals would result in a visual betterment than the extant permission, principally due to the retention of the existing pitched roof atop the former church, but also from the well-designed link detached extension which negates the need for the previously consented dry escape route in its previous form. Such an escape route, comprised of black painted metal railings, is considered to appear generally convoluted and contrived which would be visually prominent from the streetscene, and to its detriment. The reconfiguration of this required route, which would be partially incorporated within the proposed extension, is considered to result in a far more appropriate solution from a visual standpoint that is less intrusive within the wider streetscene.
- 6.2.7 No objections have therefore been raised by the Conservation Officer who, in their formal comments, have generally concurred with the conclusions reached in the submitted Heritage Assessment insofar as the proposed development satisfactorily addresses the relevant historic environment policy and legislative considerations while finding a viable reuse for this heritage asset that better retains its historic external form and fabric than the extant permission. Moreover, such development would successfully preserve the existing character of the wider Conservation Area, with the proposed stepped two-tiered extension also considered to be acceptable that would not appear overdominant within the context of the streetscene.
- 6.2.8 Concerns have been raised in relation to the zinc cladding and substantial glazing proposed for portions of the extensions, although no objections have been raised from the Conservation Officer in this respect. Furthermore, such cladding and glazing has already been deemed acceptable and granted approval in relation to the extant permission. Notwithstanding this however, a condition would be attached requiring the specification of materials to be used in connection with the proposals to be submitted for approval prior to the commencement of development. Should Members be concerned by such a palette of materials as proposed, then this can be taken into account with regards

to a future discharge of conditions application.

6.2.9 In light of the above, such development proposals are considered to be compliant with local and national planning policy with respect to character, design and heritage considerations, together with S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

6.3 Residential amenity

6.3.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development *'creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'*.

6.3.2 The primary concerns raised with respect to the proposed development relate to perceived overlooking into the habitable rooms of properties to the south-east within Broome Place from the outdoor terraces serving units 5 and 6. Unit 5 would be formed within the proposed two-tiered extension above the existing ground floor element of the building, with unit 6 to be formed at first floor level within the existing building.

6.3.3 The first floor element of the proposed two-tiered extension includes a wrap-around outdoor terraced area serving units 4, 5 and 6. A similar area was proposed and granted permission as part of the extant permission, where it was considered that the impact upon neighbouring properties within Broome Place relative to overlooking and loss of privacy would not be significant enough to warrant the refusal of the application. By contrast, the current proposals seek to include the addition of frosted balustrade glazing around the perimeter of the terrace to further reduce overlooking with respect to neighbouring properties. It would however be considered prudent that such glazing be secured via condition, specifying a height of 1.7m, should planning permission be forthcoming. No concerns are raised with respect to the second floor outdoor terrace for unit 5 which would only have outward views of Coton Hill and the northern section of Broome Place to the south and south-east. To summarise in this regard, the current proposals would actually result in a betterment with respect to the amenities of neighbouring properties from a privacy standpoint than the extant permission, and are therefore considered to be acceptable.

6.3.4 From a sunlight and overshadowing standpoint, the stepped two-tiered extension is designed as such that only a minimal increase of overshadowing would be incurred with respect to the highway of Broome Place itself, and unlikely result in a loss of light substantive enough with respect to neighbouring properties to warrant the refusal of this application in isolation. Moreover, such built development as proposed is not substantially greater than that which forms part of the extant permission and is unlikely to materially impact the amenities of neighbouring properties in general than which could lawfully be developed on site.

6.3.5 All apartments proposed would comprise an internal floor area that would meet the minimum requirements of the Nationally Described Space Standards, with all units benefitting from generous levels of natural light from the proposed configuration of openings. Waste storage facilities would be provided adjacent to the northern flank wall of the existing building adjacent to the car park, and located within close proximity to the site access.

6.4 Noise and air quality

6.4.1 The submitted noise assessment refers to expected exceedance of internal British Standard noise values for both daytime and nighttime limits, mainly from traffic noise along Chester Street and to a lesser extent rail noise. As the facade is the main noise barrier and windows and ventilation are point of incoming noise to the property the report suggests mitigation measures in Chapter 7 to ensure that glazing is appropriate to attenuate noise below the limits and for ventilation measures to also provide which also contribute to noise attenuation. The Council's Public Protection department have requested that, should planning permission be granted, a condition be attached requiring appropriate attenuation to achieve the limits as concluded in the noise assessment in order to protect future occupants. In addition, a further condition is also recommended requiring construction hours to be set within specific timeframes in order to safeguard the amenities of nearby residents.

6.5 Highways

6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

6.5.2 The Highways department have raised no objection to the proposed development with respect to access and highway safety issues, and it is noted that each dwelling would be served by a single off-street parking space with a further visitor. An additional 4 spaces would be retained at the front of the site for private use for the former owners of the site. In the context of the site's location within close proximity to Shrewsbury Town Centre, including being within a 5 minute walk of Shrewsbury train station and 8-10 minute walk of the bus station; such a level of provision is considered to be acceptable. Due to the nature of the surrounding highways network however, a Construction Method Statement including a Traffic Management Plan would be required for submission and approval. Such details can be secured via condition should planning permission be forthcoming.

6.6 Flooding and Drainage

6.6.1 The Environment Agency has confirmed that the development site is located within Flood Zone 3 and, as a consequence, a Flood Risk Assessment (FRA) has

been submitted in support of the proposed development. The NPPF seeks to direct new housing away from areas at risk of flooding and sites should not be developed if there are reasonably available sites in areas with a lower probability of flooding. The aim of this sequential test is to steer new development to areas with the lowest probability of flooding. If it is not possible for development to be located in areas at lower risk of flooding then it may be permitted, subject to the exception test being passed. In short, this requires the development to provide wider sustainability benefits to the community which outweigh flood risk and to show that it will be safe for its lifetime without increasing flood risk elsewhere and where possible reducing flood risk overall.

6.6.2 Notwithstanding this however, current government guidance states that a sequential test is not required for minor development. The exception test would also not be required with respect to minor development.

6.6.3 The EA advise that finished floor levels (FFLs) should normally be set no lower than 600mm above the 100 year river flood level plus climate change (i.e. at a level of 53.13m AOD in this location). Following discussions with the EA at the pre-application advice stage, and in consideration of the constraints of altering an existing building, the EA have agreed to accept a ground FFL of 53.43m (300mm above the design floor event). Furthermore, the FRA also recommends that the occupants of the site sign up to receive flood warnings and a Flood Evacuation Management Plan (FEMP) should be prepared in order to advise all residents of the possibility of flood and the measures which need to be undertaken to ensure safe and secure access will be maintained.

6.6.4 In the absence of an objection from the EA, subject to the imposition of a condition with respect to the finished floor levels, the proposals are considered to be acceptable from a flooding perspective provided a Flood Evacuation Management Plan (FEMP) be prepared and enacted upon in the event of emergency. This can adequately be secured by way of condition should planning permission be forthcoming.

6.6.5 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The submitted drainage details, plan and calculations have been assessed by the Council's Drainage Engineer who has not raised any objection, indicating that the proposal is acceptable in relation to a sustainable development on drainage matters. In view of the above it is considered that the proposed drainage would meet the requirements of the NPPF and Policy CS18 of the Core Strategy.

6.7 Other matters

6.7.1 Concerns have been raised from the Town Council and the local Member Cllr Green as to whether emergency services vehicles would be able to pass underneath the link-detached extension to gain access to the rear. Whilst this has not been clarified, and is unlikely to be possible, it should be emphasised that the

extension is proposed for erection above an existing car park as opposed to a highway or protected right of way. There is therefore no requirement for emergency vehicles to be provided access at this particular point. Should an emergency occur at the site or at adjacent properties to the east/south-east, emergency vehicles are entitled to park at the side of the road on Coton Hill, or alternatively park within Broome Place to the south. It would also be feasible for vehicles to access Benbow Quay to the north and travel southward to the rear of the site.

7.0 CONCLUSION

The proposals are considered to constitute an effective and sustainable use of previously development land, with the principle of development deemed acceptable within an existing residential area. Furthermore, such development is considered to enhance the visual amenities of the immediate locality, without adversely impacting the character of the existing non-designated heritage asset, adjacent listed buildings or the wider Conservation Area. Such development is considered acceptable insofar as ensuring the amenities of surrounding residential properties would not be unduly impacted, particularly in relation to the extant permission for the site, and would not amount to a detrimental upon the local highway network. The proposals have also be found acceptable with respect to flooding issues by the Environment Agency, with the drainage strategy submitted deemed appropriate by the Drainage Authority.

The application is therefore recommended for approval, subject to conditions as recommended in Appendix 1.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach
 CS2 - Shrewsbury Development Strategy
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD13 - Historic Environment
 Settlement: S16 - Shrewsbury
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

PREAPP/10/00031 Proposed conversion of building to residential PRRQD 20th January 2011

PREAPP/10/01729 Change of use to restaurant PRRQD 7th July 2010

PREAPP/15/00078 Proposed conversion of existing building to residential use PREAIP 2nd April 2015

15/02654/FUL Conversion of existing retail premises (use class A3) to residential (5 apartments) WDN 6th June 2016

17/05049/FUL Conversion of a former Church and current retail premises (use class A3) to five residential apartments to include terraces and external fire escape with footbridge GRANT 29th November 2017

PREAPP/18/00560 Conversion and extension of a former congregational Church to 9no. residential apartments and associated car parking PREAIP 21st December 2018

19/01661/FUL Conversion and extension of a former Church into 9 residential apartments with associated car parking PDE

13/00343/TCA Remove 1no. Azara, trim back branches by 50% 1no. Mulberry, light pruning of dead wood of 1no. Weeping Silver Pear tree, remove two large branches and reduce height by 2m 1no. Strawberry tree and reduction in height of Yew tree hedge by 1.5m and trimming of side branches within Shrewsbury Conservation Area NOOBJC 26th February 2013

15/04726/TCA Crown reduction by 20% of Mulberry bush, crown thinning by 20% to one Weeping Silver Pear tree, reduce height of 1 no. Strawberry tree by 2m and light pruning of dead branches to 1 no Beech tree within Shrewsbury Conservation Area NOOBJC 8th December 2015

19/01661/FUL Conversion and extension of a former Church into 9 residential apartments with associated car parking PDE

SA/76/0739 Use of basement as a carpentry and woodwork shop and for the storage of timber. PERCON 26th October 1976

SA/75/1110 Change of Use from warehouse to offices, storage and use in connection with glass-cutting processes. PERCON 13th January 1976

SA/89/0921 Form opening in existing boundary wall, hang gates and use forecourt area for parking vehicles. REFUSE 22nd November 1989

SA/89/1231 Use of building as offices and/or professional and financial services (Classes A2 and B1). REFUSE 22nd November 1989

SA/90/0622 Use of first and second floors as flats. Use of ground floor as offices and/or professional and financial services (A1 & B1). Use of forecourt for parking. REFUSE 11th July 1990

SA/75/1028 Change of use from warehouse to religious congregational meeting place. WDN 7th January 1976

SA/88/1561 Installation of windows to ground floor front elevation. (Retrospective). REFUSE 28th February 1989

SA/88/0913 Proposed new windows to front elevation. REFUSE 5th December 1988

SA/89/0920 Erect and display a projecting hanging sign. REFUSE 25th October 1989

SA/87/1138 Erection of a first floor extension to provide showroom and office. PERCON 18th February 1988

SA/95/1128 Conversion of existing dwelling into 1 x 1 bedroom and 1 x 3 bedroom dwellings. PERCON 4th January 1996

SA/93/0455 Use of existing premises for class D2 purpose, private snooker club. (Amended description). PERCON 7th July 1993

SA/04/1192/F Change of use of use of workshop and offices and alterations to front elevation to form two self-contained flats PERCON 6th October 2004

Appeal

91/00279/REF Use of first and second floors as flats. Use of ground floor as offices and/or professional and financial services (A1 & B1). Use of forecourt for parking. ALLOW 21st February 1991

Appeal

89/00774/REF Installation of windows to ground floor front elevation. (Retrospective). DISMIS 7th December 1989

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 Nat Green
Appendices APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

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

5. **Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.**

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

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

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

7. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

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

8. No development approved by this permission shall commence until a photographic survey (Level 1,2,3,4 (Specify as appropriate) survey, as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the interior/ exterior of the buildings has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the building prior to development.

9. Before the relevant part of works commence details of the proposed decorative finishes and colour scheme shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

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

12. Appropriate noise attenuation measures as concluded in the submitted Noise Impact Assessment (SLR Consulting Ltd, Ref 406.06668.00004, dated April 2019) shall be implemented prior to the first occupation of the development and retained/maintained thereafter.

Reason: To safeguard the amenities of future occupants.

13. Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area.

14. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

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

15. Notwithstanding the details shown on the approved plans, the glass balustrade shown on drwg. no. 364/32 shall be constructed utilising opaque glazing and erected to a height of no less than 1.7m above the finished floor level of the terrace. The balustrade shall be retained and maintained as such thereafter.

Reason: To safeguard residential amenity.

16. Ground Finished Floor Levels shall be set no lower than 53.43mAOD in line with the submitted Flood Risk Assessment (Sumner Consultancy, Ref 406.06668.0001, dated April 2019) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To help protect the proposed dwellings from flood risk for the lifetime of the development.

17. The construction of the development hereby approved shall be limited to the following hours/days: 08.00 - 18.00 Monday to Friday, 09.00 - 13.00 Saturday. No construction on the development hereby approved shall be undertaken outside of these permitted hours/days, including Sundays and Bank Holidays.

Reason: To safeguard neighbouring amenity

18. Any wall or other boundary treatment fronting onto Coton Hill is to be kept at a height of 600mm at all times.

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

Informatives

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

2. The Applicant /future occupiers should contact 08708 506506 to be set up on our flood warning system. In preparing the evacuation plan the applicant should have note to the FRA. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.

3. In the absence of FFLs being set 600mm above the 100 year flood level plus climate change, we recommend that consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section.

4. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

www.shropshire.gov.uk/environmental-maintenance-and-enforcement/drainage-andflooding/flood-risk-management-and-the-planning-process.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

If non permeable surfacing is used on the driveways and parking areas and the driveways slope towards the highway, the applicant should install a drainage system to intercept water prior to flowing on to the public highway.

If main foul sewer is not available for connection, British Water Flows and Loads: 4 should be used to determine the number of persons for the proposed development and the sizing of the septic tank or package treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2.

5. 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.

6. 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.

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

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

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

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<u>Committee and date</u>
Central Planning Committee
4 July 2019

<u>Item</u>
11
Public

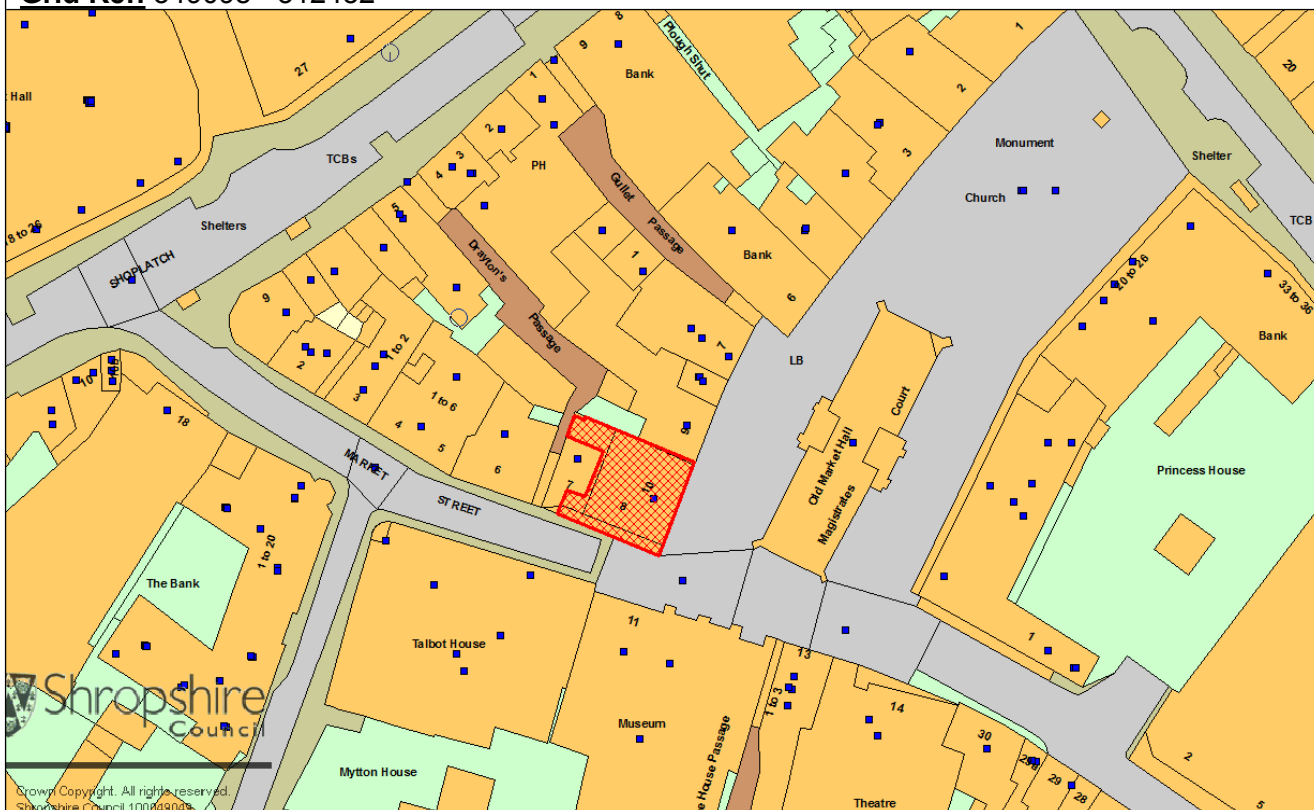
Development Management Report

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

Summary of Application

<u>Application Number:</u> 19/02030/ADV	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> To erect and display one pole mounted branded flag		
<u>Site Address:</u> Goldsmiths of Shrewsbury 10 The Square Shrewsbury Shropshire SY1 1LA		
<u>Applicant:</u> Goldsmiths of Shrewsbury		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 349098 - 312452



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the display of one pole mounted branded flag advertising the watch brand 'Tudor'.
- 1.2 The flag will be made of a stiff fabric and will be plain black with the word 'TUDOR' in white with a simple red shield above.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The sign is proposed to be fixed using a bracket that will be mounted to the existing fascia of Goldsmiths the jewellers at 10 The Square that occupies a corner position.
- 2.2 The building is Grade 2 listed and is sited within the Town Centre Special Character Area which makes up part of the larger Shrewsbury Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the Local Member considers that the Town Council has raised material planning issues, and the Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **SC Conservation:** Concurrent listed building consent and advertisement consent have been submitted which proposes the installation of a flagpole and branded flag to the external shop front of 10 The Square, which is a prominent Grade II listed commercial building sited at the south-westerly corner of the historic town centre Square and Market Street. We had provided consultee comments last year on extensive shop front improvements and redecoration along with internal alterations associated with the re-occupation of the ground floor by a jewellers with this work now completed and the redecorated shop contributing strongly to the character and appearance of the historic Square and enhancing this listed building and other heritage assets around it.

As noted in our comments last year, the building is part of a series of designated heritage assets within the historic Square, and therefore Section 66 of the Planning (Listed Buildings and Conservation Areas) Act is relevant to this application, where the Act requires the need to pay special regard to the preservation of listed buildings and their settings. These properties are all within the 'Town Centre

Special Character Area' which makes up part of the larger Shrewsbury Conservation Area, and to that end, special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area. In addition, in considering this proposal, 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 relevant Guidance including Historic England's Setting of Heritage Assets.

Having considered this application for further advertisement signage I am reluctant to formally agree the proposed flag which will only add to the visual clutter of the listed building and in a wider sense The Square, where this building is opposite the Grade I listed Old Market Hall. The shop front has quite extensive branded signage across its main elevation already, beyond that indicated in the approved drawings from last year, as well as signage associated with the shop itself and a projecting hanging sign. The main front entrance has been embellished with a floral arch, which is likely easily removable, and which draws attention to the potential shopping experience here. Further branded projecting signage is not considered to be necessary in this instance and cannot be considered as an enhancement to the shop front or the building, or to the setting of this designated heritage asset or those nearby, as required legislatively as detailed above. As a permanent branded advertising feature on the main elevation of this building, the application is not supported on heritage grounds.

4.2 - Public Comments

- 4.2.1 **Shrewsbury Town Council:** Objects to this application on the grounds that they are unable to support the proposals for advertising on heritage grounds in an historic setting. This adds to clutter in such an historic setting and neither preserves nor enhances the Conservation Area.
- 4.2.2 **Shrewsbury Civic Society:** This is Grade II listed building in a highly prominent position bordering the Town Square and opposite the Town's Museum and adjacent to the Grade I mediaeval Old Market Hall. A corner position is proposed that would be in view from both the Square and Princess Street.

Historic England and others objected to external flags and advertising just opposite at the Museum's frontage. This was resisted and appropriate signage accepted and effective. The current proposal here would set an alternative and unwanted precedent that would greatly harm the nature of the historic town square.

The proposed flag promotes one particular brand and does not even signify the shop. It is both large, black and undermining of the shop frontage let alone the building's contribution to the conservation area. The proposal is unnecessary, unwanted and does harm to both the building and the Town Centre Special Character Area.

5.0 THE MAIN ISSUES

In accordance with the National Planning Policy Framework and Advert Regulations, applications for advertisement consent are considered against the following issues:

- Impact upon public safety.
- Impact on visual amenity

6.0 OFFICER APPRAISAL

6.1 Impact upon public safety

- 6.1.1 The sign will be situated on a building within a pedestrianised area of Shrewsbury Town centre. Due to the height of the sign and provided it is securely fixed it is considered that the proposal would have no adverse impact on public safety.

6.2 Impact on visual amenity

- 6.2.1 The proposed sign will be erected on a listed building situated within a Conservation Area and there are Listed buildings nearby and the sign has the potential to impact on these heritage assets. The proposal therefore has to be considered against Shropshire Council policies MD2, MD13, CS6 and CS17 and with national policies and guidance including section 16 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.2.2 Paragraph 193 of the NPPF states that '*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*'.
- 6.2.3 Paragraph 94 advises that '*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*'.
- 6.2.4 Both the Town Council and the Civic Society object to the application and consider that the proposal would harm the building, the historic town square and the Town Centre Special Character Area. The Conservation Officer considers that a permanent sign would not be an enhancement to the shop front or the building, or to the setting of this designated heritage asset or those nearby and therefore a permanent branded advertising feature is not supported on heritage grounds.
- 6.2.5 Officers agree with these comments but consider that the impact on the character and appearance of the building and the locality would not be significant and would result in '*less than substantial harm*' rather than '*substantial harm*' to the

significance of these heritage assets.

- 6.2.6 At paragraph 196 the NPPF advises that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 6.2.7 The shop front has recently undergone improvements and redecoration along with internal alterations associated with the re-occupation of the ground floor by a jewellers. The redecorated shop that is now open to the public positively contributes to the character and appearance of this listed building, the historic Square and the setting of heritage assets around it.
- 6.2.8 The applicant has provided supporting information regarding the need for the proposed additional sign and have confirmed that they are *'proposing to install this Flag to improve visibility of the store and its brand/s to visitors in Shrewsbury, and more specifically, in The Square.'*
- 6.2.9 The 'Tudor' watch brand is only available within Shrewsbury at this shop and the nearest retailers that stock the 'Tudor' brand are situated in Nantwich, Chester and Wolverhampton. The applicants consider that *'as the only TUDOR stockist serving Shropshire, Herefordshire and North and Mid Wales, we strongly believe that the draw of the brand will lead to increased footfall for both The Square and the Town Centre, which will benefit not only ourselves but other independent businesses in the area'*.
- 6.2.9 The proposed sign will help promote the brand which will in turn promote the store and hopefully ensure that this new business is successful and continues to trade. If the company is successful this will attract new customers to Shrewsbury increasing footfall in the locality and helping increase the vitality and vibrancy of the town centre. Allowing this sign is therefore considered to be of public benefit by supporting the local economy and also ensuring the building continues to be occupied and maintained and does not end up being another vacant unit in the town centre which would have an adverse impact.
- 6.2.10 Whilst it is accepted that a proliferation of advertising material is not appropriate on a listed building within the historic core of Shrewsbury town centre conservation area it is considered that the 'less than substantial harm' identified is acceptable when weighed against the benefits of the proposal.
- 6.2.11 This harm can also be limited by granting a temporary consent for 6 or 12 months to enable both the brand and business to become established in this location. This is in accordance with the recommendation of the conservation officer who does not support a permanent branded advertising feature.

7.0 CONCLUSION

- 7.1 In determining this application special regard has to be given to the desirability of preserving the setting of the listed building and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72

of the Planning (Listed Buildings and Conservation Areas) Act 1990. Whilst it is considered that the proposal might result in less than substantial harm to the significance of the heritage assets identified this harm is outweighed by the benefits of the proposal and can be limited by a condition requiring the sign to be removed within 6 or 12 months.

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.

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

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

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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.

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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:
MD2, MD13, CS6 and CS17

11. Additional Information

List of Background Papers

19/02030/ADV - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder): Cllr G Butler

Local Member: Cllr Nat Green

Appendices

APPENDIX 1: Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. No advertisement shall be sited or displayed so as to—

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. 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.

7. The advertisement hereby granted temporary consent shall not be retained on the site after the expiry of 12 months from the date of this decision.

Reason: In order to protect the long term visual amenity of the area.



Committee and date
 Central Planning Committee
 4 July 2019

Item
12
 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> 19/02038/LBC	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Installation of one pole mounted branded flag and associated fixings		
<u>Site Address:</u> Goldsmiths Of Shrewsbury 10 The Square Shrewsbury Shropshire SY1 1LA		
<u>Applicant:</u> Goldsmiths Of Shrewsbury		
<u>Case Officer:</u> Jane Raymond		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 349098 - 312452



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Recommendation:- Grant Listed Building consent subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the installation of one pole mounted branded flag and associated fixings.
- 1.2 The flag will be made of a stiff fabric and will be plain black with the word 'TUDOR' in white with a simple red shield above.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The sign is proposed to be fixed using a bracket that will be mounted to the existing fascia of Goldsmiths the jewellers at 10 The Square that occupies a corner position.
- 2.2 The building is Grade 2 listed and is sited within the Town Centre Special Character Area which makes up part of the larger Shrewsbury Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the Local Member considers that the Town Council has raised material planning issues, and the Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **SC Conservation:** Concurrent listed building consent and advertisement consent have been submitted which proposes the installation of a flagpole and branded flag to the external shop front of 10 The Square, which is a prominent Grade II listed commercial building sited at the south-westerly corner of the historic town centre Square and Market Street. We had provided consultee comments last year on extensive shop front improvements and redecoration along with internal alterations associated with the re-occupation of the ground floor by a jewellers with this work now completed and the redecorated shop contributing strongly to the character and appearance of the historic Square and enhancing this listed building and other heritage assets around it.

As noted in our comments last year, the building is part of a series of designated heritage assets within the historic Square, and therefore Section 66 of the Planning (Listed Buildings and Conservation Areas) Act is relevant to this application, where the Act requires the need to pay special regard to the preservation of listed

buildings and their settings. These properties are all within the 'Town Centre Special Character Area' which makes up part of the larger Shrewsbury Conservation Area, and to that end, special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area. In addition, in considering this proposal, 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 relevant Guidance including Historic England's Setting of Heritage Assets.

Having considered this application for further advertisement signage I am reluctant to formally agree the proposed flag which will only add to the visual clutter of the listed building and in a wider sense The Square, where this building is opposite the Grade I listed Old Market Hall. The shop front has quite extensive branded signage across its main elevation already, beyond that indicated in the approved drawings from last year, as well as signage associated with the shop itself and a projecting hanging sign. The main front entrance has been embellished with a floral arch, which is likely easily removable, and which draws attention to the potential shopping experience here. Further branded projecting signage is not considered to be necessary in this instance and cannot be considered as an enhancement to the shop front or the building, or to the setting of this designated heritage asset or those nearby, as required legislatively as detailed above. As a permanent branded advertising feature on the main elevation of this building, the application is not supported on heritage grounds.

4.2 - Public Comments

- 4.2.1 **Shrewsbury Town Council:** Objects to this application on the grounds that they are unable to support the proposals for advertising on heritage grounds in an historic setting. This adds to clutter in such an historic setting and neither preserves nor enhances the Conservation Area.
- 4.2.2 **Shrewsbury Civic Society:** This is Grade II listed building in a highly prominent position bordering the Town Square and opposite the Town's Museum and adjacent to the Grade I mediaeval Old Market Hall. A corner position is proposed that would be in view from both the Square and Princess Street.

Historic England and others objected to external flags and advertising just opposite at the Museum's frontage. This was resisted and appropriate signage accepted and effective. The current proposal here would set an alternative and unwanted precedent that would greatly harm the nature of the historic town square.

The proposed flag promotes one particular brand and does not even signify the shop. It is both large, black and undermining of the shop frontage let alone the building's contribution to the conservation area. The proposal is unnecessary, unwanted and does harm to both the building and the Town Centre Special Character Area.

5.0 THE MAIN ISSUES

The main issue is the impact on heritage assets.

6.0 OFFICER APPRAISAL

6.1 Impact on heritage assets

- 6.1.1 The proposed sign will be attached to a listed building situated within a Conservation Area and there are Listed buildings nearby and the sign has the potential to impact on these heritage assets. The proposal therefore has to be considered against Shropshire Council policies MD2, MD13, CS6 and CS17 and with national policies and guidance including section 16 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.1.2 Paragraph 193 of the NPPF states that *'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'*.
- 6.1.3 Paragraph 94 advises that *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'*.
- 6.1.4 Both the Town Council and the Civic Society object to the application and consider that the proposal would harm the building, the historic town square and the Town Centre Special Character Area. The Conservation Officer considers that a permanent sign would not be an enhancement to the shop front or the building, or to the setting of this designated heritage asset or those nearby and therefore a permanent branded advertising feature is not supported on heritage grounds.
- 6.1.5 Officers agree with these comments but consider that the impact on the character and appearance of the building and the locality would not be significant and would result in *'less than substantial harm'* rather than *'substantial harm'* to the significance of these heritage assets.
- 6.1.6 At paragraph 196 the NPPF advises that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 6.1.7 The shop front has recently undergone improvements and redecoration along with internal alterations associated with the re-occupation of the ground floor by a jewellers. The redecorated shop that is now open to the public positively

contributes to the character and appearance of this listed building, the historic Square and the setting of heritage assets around it.

- 6.1.8 The applicant has provided supporting information regarding the need for the proposed additional sign and have confirmed that they are *'proposing to install this Flag to improve visibility of the store and its brand/s to visitors in Shrewsbury, and more specifically, in The Square.'*
- 6.1.9 The 'Tudor' watch brand is only available within Shrewsbury at this shop and the nearest retailers that stock the 'Tudor' brand are situated in Nantwich, Chester and Wolverhampton. The applicants consider that *'as the only TUDOR stockist serving Shropshire, Herefordshire and North and Mid Wales, we strongly believe that the draw of the brand will lead to increased footfall for both The Square and the Town Centre, which will benefit not only ourselves but other independent businesses in the area'*.
- 6.1.10 The proposed sign will help promote the brand which will in turn promote the store and hopefully ensure that this new business is successful and continues to trade. If the company is successful this will attract new customers to Shrewsbury increasing footfall in the locality and helping increase the vitality and vibrancy of the town centre. Allowing this sign is therefore considered to be of public benefit by supporting the local economy and also ensuring the building continues to be occupied and maintained and does not end up becoming another vacant unit in the town centre which would have an adverse impact.
- 6.1.11 Whilst it is accepted that a proliferation of advertising material is not appropriate on a listed building within the historic core of Shrewsbury town centre conservation area it is considered that the 'less than substantial harm' identified is acceptable when weighed against the benefits of the proposal.
- 6.1.12 This harm can also be limited by granting a temporary consent for 6 or 12 months to enable both the brand and business to become established in this location. This is in accordance with the recommendation of the conservation officer who does not support a permanent branded advertising feature.

7.0 CONCLUSION

- 7.1 In determining this application special regard has to be given to the desirability of preserving the setting of the listed building and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Whilst it is considered that the proposal might result in less than substantial harm to the significance of the heritage assets identified this harm is outweighed by the benefits of the proposal and can be limited by a condition requiring the sign to be removed within 6 or 12 months.

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:
MD2, MD13, CS6 and CS17

11. Additional Information

List of Background Papers

19/02038/LBC: Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder): Cllr G Butler

Local Member: Cllr Nat Green

Appendices

APPENDIX 1: Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

2. All works shall be carried out in complete accordance with the terms of the application and approved plans.

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

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Development Management Report

Responsible Officer: Tim Rogers

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

LPA reference	18/05095/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr Dave Edwards
Proposal	Erection of replacement dwelling and detached garage; formation of vehicular access
Location	Hill Cottage Top Road Pontesbury Shrewsbury
Date of application	05.11.2018
Officer recommendation	Refusal
Committee decision (delegated)	Committee Decision
Date of decision	19.03.2019
Date of appeal	08.05.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	18/05584/FUL
Appeal against	Appeal Against Refusal
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 application	05.12.2018
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee Decision
Date of decision	12.04.2019
Date of appeal	22.05.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	18/04951/VAR
Appeal against	Appeal Against Refusal
Appellant	Mr Jack Goodall
Proposal	Removal of Condition No.8 (gross internal floor area) attached to planning permission 13/01656/FUL - Erection of a 2-bed affordable dwelling and detached double garage
Location	Quercus Domus Pound Lane Hanwood Shrewsbury
Date of application	25.10.2018
Officer recommendation	Refusal
Committee decision (delegated)	Delegated Decision
Date of decision	20.12.2018
Date of appeal	15.02.2019
Appeal method	Written Representations
Date site visit	08.05.2019
Date of appeal decision	06.06.2019
Determination time (weeks)	
Appeal decision	APPEAL ALLOWED
Details	

LPA reference	18/02747/OUT
Appeal against	Appeal Against Refusal
Appellant	Mrs Julie Houlker
Proposal	Outline application for residential development for up to 2No. dwellings with retention of access
Location	Proposed Residential Development Land To The North Of Betley Lane Bayston Hill Shrewsbury
Date of application	19.06.2018
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee Decision
Date of decision	09.11.2018
Date of appeal	01.03.2019
Appeal method	Written Representations
Date site visit	03.06.2019
Date of appeal decision	10.06.2019
Determination time (weeks)	
Appeal decision	APPEAL ALLOWED – COSTS REFUSED
Details	

LPA reference	18/03583/OUT
Appeal against	Appeal Against Non Determination
Appellant	Atbay Ltd
Proposal	Outline application for mixed use development for residential, retail and business units with associated parking (all matters reserved)
Location	Proposed Development Land At Former Bus Depot Minsterley Shrewsbury
Date of application	03.08.2018
Officer recommendation	-
Committee decision (delegated)	-
Date of decision	-
Date of appeal	29.01.2019
Appeal method	Written Representations
Date site visit	03.06.2019
Date of appeal decision	10.06.2019
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	18/05178/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr M Ebrey
Proposal	Outline application for the erection of 1no detached bungalow (all matters reserved)
Location	Land Adj Atterley Bings Heath Astley Shrewsbury
Date of application	08.11.2018
Officer recommendation	Refusal
Committee decision (delegated)	Delegated Decision
Date of decision	03.01.2019
Date of appeal	08.03.2019
Appeal method	Written Representations
Date site visit	03.06.2019
Date of appeal decision	20.06.2019
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	18/05582/VAR
Appeal against	Appeal Against Refusal
Appellant	Mr Phillip Edwards
Proposal	Removal of condition 5 pursuant to 12/03658/FUL to allow for an internal floor area, including future extensions, to be in excess of 100sqm
Location	Oak Tree Cottage Wattlesborough Halfway House Shrewsbury
Date of application	04.12.2018
Officer recommendation	Refusal
Committee decision (delegated)	Delegated Decision
Date of decision	14.02.2019
Date of appeal	18.03.2018
Appeal method	Written Representations
Date site visit	03.06.2019
Date of appeal decision	20.06.2019
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	18/04534/OUT
Appeal against	Appeal Against Refusal
Appellant	Mrs Hilary Silva
Proposal	Outline application (all matters reserved) for the erection of a detached dwelling and garage
Location	Proposed Dwelling North Of Appleby Ford Shrewsbury
Date of application	03.10.2018
Officer recommendation	Refusal
Committee decision (delegated)	Delegated Decision
Date of decision	27.11.2018
Date of appeal	24.03.2019
Appeal method	Written Representations
Date site visit	03.06.2019
Date of appeal decision	10.06.2019
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	18/05011/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr Josh Jones
Proposal	Outline application for the erection of 1No dwelling (all matters reserved)
Location	Proposed Dwelling South Of 2 Pontesford Shrewsbury
Date of application	30.10.2018
Officer recommendation	Refusal
Committee decision (delegated)	Delegated Decision
Date of decision	25.01.2019
Date of appeal	25.02.2019
Appeal method	Written Representations
Date site visit	03.06.2019
Date of appeal decision	20.06.2019
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

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Appeal Decision

Site visit made on 8 May 2019

by W Johnson BA (Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2019

Appeal Ref: APP/L3245/W/19/3222930

Quercus Domus, Pound Lane, Hanwood, Shrewsbury SY5 8JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Jack Goodall against the decision of Shropshire Council.
 - The application Ref 18/04951/VAR, dated 19 October 2018, was refused by notice dated 20 December 2018.
 - The application sought planning permission for the erection of a 2-bed affordable dwelling and detached double garage without complying with a condition attached to planning permission Ref 13/01656/FUL, dated 18 June 2014.
 - The condition in dispute is No 8 which states that: The dwelling hereby permitted, shall not exceed 100sqm gross internal floor area, including any future extensions. No further internal habitable space shall be created within each of the dwellings by internal alterations.
 - The reason given for the condition is: To ensure that the dwellings are of a size appropriate to the local affordable housing market.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2-bed affordable dwelling and detached double garage at Quercus Domus, Pound Lane, Hanwood, Shrewsbury SY5 8JR in accordance with the application Ref: 18/04951/VAR dated 19 October 2018, without compliance with condition No 8, previously imposed on planning permission Ref:13/01656/FUL dated 18 June 2014.

Procedural Matter

2. The Government published the revised National Planning Policy Framework (the Framework) on 19 February 2019, which forms a material consideration in the determination of the appeal. However, the changes have no material bearing to the main issue before this appeal.

Background and Main Issue

3. Permission was granted in 2014 for the erection of an affordable dwelling with a detached double garage on the appeal site, which has been implemented. The removal of the disputed condition would enable the dwelling to be extended and the creation of additional internal habitable space.
4. The main issue in the appeal is whether the condition is necessary having regard to the stock of affordable dwellings.

Reasons

5. Condition 8 of the permission restricts the dwelling, including future extensions, to no more than 100 square metres gross internal floor area. An accompanying planning obligation under a section 106 agreement requires adherence to the planning conditions. It also contains various mechanisms to ensure that, were the house to be sold, its price would be maintained at an affordable level below market rates.
6. In order to make the rural area more sustainable Policy CS4 of the Shropshire Core Strategy 2011 (CS) seeks to direct new development into Community Hubs and Clusters, improving local sustainability through a suitable mix of housing that caters for local needs. Outside of these areas CS Policy CS5 restricts new development in the open countryside to, amongst other things, affordable housing / accommodation to meet a local need.
7. CS Policy CS11 seeks to meet the diverse housing needs of Shropshire residents and indicates that an integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability. Among many other things, it allows for exception schemes for local needs affordable housing on suitable sites in and adjoining appropriate settlements, subject to scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.
8. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev) indicates that to protect the affordability of single plot exception dwellings, they will be subject to size restrictions and other legal restrictions.
9. The Council's supplementary planning document Shropshire Type and Affordability of Housing 2012 (SPD) states that the size of a rural exception dwelling will not normally be permitted to exceed 100 square metres gross internal floorspace. Moreover, the SPD accepts that the limit may be varied; paragraph 5.63 recognises the difficulties faced by growing households already occupying affordable housing and states that it may be acceptable to enlarge an existing affordable house in order to accommodate the needs of the existing household. However, it also advises that any potential sale value of the property would remain restricted as if it were still a maximum of 100 square metres.
10. I note that the appellant refers to 'Lea View' which is a neighbouring property to the appeal site that was granted permission by the Council after permission was granted for the appeal dwelling. Despite the disputed circumstances surrounding the policy position of the Council in relation to its 5-year housing land supply at the time of the assessment of both planning applications, I find the planning application for the appeal dwelling was, nevertheless, submitted as a local needs affordable house. In these circumstances, the presence of a recently constructed, neighbouring open market dwelling is not sufficient alone to justify the removal of the condition limiting the gross internal floor area of the dwelling. Additionally, I note reference by the appellant to 2 appeal decisions¹ in support of his case, but relatively little detail has been provided to the planning background on these schemes.

¹ APP/L3245/Q/17/3169024 & APP/L3245/Q/16/3143661

11. However, within the appellant's submission he has advanced particular circumstances to support the requirement for potential further accommodation and his desire to create a family home, which he considers to be currently 'relatively cramped'. The house would still have a restriction of 60% of the open market value in place as required by the planning obligation, and it would remain affordable in perpetuity. Whilst the appellant has made his intentions known that he may seek the discharge of the planning obligation after its fifth anniversary in June 2019, this is not a matter for consideration under this appeal.
12. On the evidence before me, the house would remain as a unit of affordable accommodation. Therefore, in terms of the availability of affordable housing, nothing would be gained by resisting the removal of Condition No 8. The need for affordable housing is not limited to small dwellings and Policy CS11 recognises that housing needs are diverse in terms of size. The proposal would not cause the loss of an affordable dwelling and would enable the appellant to have the ability to meet his future household needs in his existing home.
13. Accordingly, I do not consider it is necessary to continue to impose a restriction on the amount of gross internal floor area as it would not have a significant harmful effect on the stock of affordable dwellings. As a consequence, the proposal would comply with the affordable housing / accommodation aims of CS Policies CS4, CS5 and CS11, SAMDev Policy MD7a, the SPD and the Framework.
14. SAMDev Policy MD3 has been cited by the Council on its decision notice. However, this policy relates to housing delivery and therefore I find it is not directly applicable to the case before me.

Conditions

15. The guidance contained within the Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
16. The development is complete and therefore the standard time limit and plans condition are no longer necessary. I have granted a new permission which stands alongside the original permission with the disputed condition removed. I have also reviewed the conditions imposed on the original permission, taking account of those suggested by the Council to reflect the present situation.
17. PPG paragraph 004 sets out the 6 tests for conditions. They must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects. PPG paragraph 017 advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness.
18. Therefore, for similar reasons to those given above in relation to Condition No 8, and in the light of national policy and guidance regarding imposition of conditions restricting the future use of permitted development rights, I consider

there are no exceptional circumstances (as required by PPG 017) to justify the removal of permitted development rights at the appeal site. Accordingly, I do not find it necessary or reasonable to re-impose Condition No 9 or Condition No 10 on the original decision for extensions / detached buildings or the use of the existing garage respectively, as suggested by the Council. I am satisfied that no conditions are necessary.

Conclusion

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

W Johnson

INSPECTOR



Appeal Decision

Site visit made on 3 June 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2019

Appeal Ref: APP/L3245/W/19/3224092

Land to the North of Betley Lane, Bayston Hill, Shrewsbury SY3 0HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Julie Houlker against the decision of Shropshire Council.
 - The application Ref 18/02747/OUT, dated 14 June 2018, was refused by notice dated 9 November 2018.
 - The development proposed is for residential development for up to 2 dwellings with retention of access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development for up to 2 dwellings with retention of access at Land to the North of Betley Lane, Bayston Hill, Shrewsbury SY3 0HB in accordance with the terms of the application, Ref 18/02747/OUT, dated 14 June 2018, subject to the conditions contained in the Schedule attached to this decision.

Application for Costs

2. An application for costs was made by Mrs Julie Houlker against Shropshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline form with all matters reserved for future consideration, with the exception of access. Whilst the drawings suggest the siting of the dwellings, these are clearly identified as illustrative. I have determined the appeal on this basis.
4. I have used the description of the appeal site as set out in the appeal form and the Council's decision notice. This is a more accurate description than that contained in the application form.

Main Issue

5. The main issue is the effect of the development on highway safety, including accessibility for emergency services vehicles.

Reasons

6. The appeal site is accessed via an existing gateway off Betley Lane, which is an unadopted highway that serves approximately 22 dwellings and provides access to the rear gardens of properties fronting Lyth Hill Road. The section of the Lane that serves the appeal site has 8 properties on it.

7. Betley Lane is narrow in places and therefore on-street parking reduces this width even further in parts. It is noted that at times there may be high levels of on-street parking. However, the majority of existing properties along this section of Betley Lane have at least two off-street parking spaces. At the time of my site visit, which was in the middle of the day on a week day, I observed several cars parked on the Lane. However, there remained sufficient room for vehicles to pass.
8. There may be occasions when there is a high level of parking on the Lane. However, there is sufficient off-street parking capacity for existing properties, that should ensure that that on-street parking is kept to a minimum. The proposal would unlikely add to any existing on-street parking as it would provide adequate off-street parking provision on site.
9. Furthermore, the increase in traffic along the Lane as a result of the development would not represent any material harm to highway safety. Forward visibility is good and whilst the Lane is narrow and there are often cars parked on it, vehicle speeds are likely to be low, therefore allowing drivers sufficient time to react to any unexpected potential conflict with other road users/pedestrians.
10. I note that during the Planning Committee, Members claimed that due to the unadopted status of the Lane the Council cannot impose parking restrictions. However, the appellant makes a compelling argument that this is in fact not the case. Whilst as an unadopted highway the Council do not maintain the Lane, it is nevertheless a public highway and therefore is subject to the same legal restrictions as an adopted highway, in particular, it is an offence to obstruct the free passage along the highway. Therefore, any inconsiderate parking on the Lane that prevents free passage along the highway, including for emergency vehicles, would be an offence.
11. I also note the evidence submitted that indicates that a refuse vehicle can access the Lane. Whilst the refuse vehicle may be smaller than the typically standard, larger vehicles, there is no substantive evidence before me to suggest that an emergency vehicle could not access the site. Based on the evidence before me and the observations I made during my site visit, there is sufficient existing off-street parking and the Lane is of sufficient width to ensure that emergency vehicles could access the appeal site.
12. Construction vehicles would need access to the site during the construction of the dwellings, particularly for the delivery of materials and plant/machinery. However, I am satisfied that an appropriately worded condition securing a Construction Method Statement would minimise any temporary disturbance to residents. I also note that the Local Highway Authority raise no objection to the proposal.
13. I find therefore that the proposal would not have any significantly harmful effect on highway safety. As such, it would comply with Policy CS6 of the Shropshire Council Core Strategy 2011, which seeks to ensure that all development is safe and accessible to all.

Other Matters

14. I have had regard to the concerns raised regarding drainage and noise and air pollution. However, there is no substantive evidence before me that the proposal would result in any significant harm in respect of these matters.
15. I also note the comments regarding a potential increase in the intensity of the development at reserved matters stage. However, the proposal is for two dwellings only and the reserved matters must reflect this.

Conditions

16. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.
17. In the interests of flood prevention and public health, a condition is necessary regarding drainage.
18. In the interests of the character and appearance of the area, a condition is necessary regarding the submission of an Arboricultural Impact Assessment.
19. In the interests of protecting biodiversity, a condition is necessary ensuring that the development is carried out in accordance with the Ecological Assessment prepared by Star Ecology dated 3rd April 2018.
20. In the interests of highway safety, a condition is necessary requiring the access to be constructed.
21. In the interests of safeguarding residential amenity and highway safety, a condition is necessary requiring the submission of a Construction Method Statement. It is necessary that the required details shall be provided pre-commencement of works to ensure that the construction works do not unacceptably harm the living conditions of neighbouring residents or highway safety.
22. In the interests safeguarding residential amenity, a condition is necessary restricting the hours of construction works.

Conclusion

23. For the reasons given above, the appeal is allowed.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The reserved matters shall include details of the proposed foul and surface drainage, including details and sizing of any percolation tests carried out and proposed soakaways. The approved details shall be completed prior to the occupation of the first dwelling and shall be retained as such thereafter.
- 5) The reserved matters shall include an updated Arboricultural Impact Assessment and tree protection plan that takes into account the chosen design and proposed site layout of the hereby approved development.
- 6) The development shall be carried out in accordance with the Ecological Assessment prepared by Star Ecology (dated 3rd April 2018).
- 7) Prior to the occupation of the hereby approved dwellings, the access, parking and turning facilities within the site shall be properly laid out, hard surfaced and drained. The access, parking and turning facilities shall be maintained thereafter free of any impediment to their designated use.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
 - a Traffic Management Plan Reason
- 9) No construction works shall take place before 8 am on weekdays and 9am on Saturdays nor after 6pm on weekdays and 1pm on Saturdays; nor at any time on Sundays, Bank or Public Holidays.



Costs Decision

Site visit made on 3 June 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2019

Costs application in relation to Appeal Ref: APP/L3245/W/19/3224092 Land to the North of Betley Lane, Bayston Hill, Shrewsbury SY3 0HB

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Julie Houlker for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for residential development for up to 2 dwellings with retention of access.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Council's Planning Committee decided to refuse the application contrary to the advice of their professional officers who had produced a written report analysing the effect of the proposal on a number of matters including the effect of the development on highway safety. Authorities are not bound to accept the recommendations of their officers, although local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal and if they rely on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. Despite the Planning Committee refusing the application contrary to the advice of its professional officers, the reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the relevant development plan policy that the proposal would conflict with. These reasons were adequately substantiated by the Council in its statement of case, which demonstrates how the proposal would harm highway safety. Whilst I appreciate that the appellant does not agree with the outcome of the application, and I have found no harm in respect of this issue, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
5. I acknowledge the applicant's allegations that the on-street parking conditions were manufactured during the Planning Committee site visit. However,

whether or not these allegations are true, there is no evidence to indicate that the Council in anyway orchestrated these conditions. Therefore, they did not behave unreasonably in respect of this matter.

6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

Alexander Walker

INSPECTOR



Appeal Decision

Site visit made on 3 June 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2019

Appeal Ref: APP/L3245/W/19/3221394

Formally Minsterly Bus Depot, Station Road, Minsterley, Shrewsbury SY5 0AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Atbay Ltd against Shropshire Council.
 - The application Ref 18/03583/OUT, is dated 2 August 2018.
 - The development proposed is a mixed use development for Residential, Retail and Business units with associated parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved for future consideration. I have determined the appeal on this basis.

Background and Main Issues

3. The appeal follows the Council's failure to determine the respective planning application. The application was presented to the Council's Central Planning Committee (the Committee) on 20 December 2018 with a recommendation for approval. The Committee resolved to defer the determination of the application to give the appellant the opportunity to submit a Flood Risk Assessment (FRA) and a Noise Assessment (NA). The appellant declined this opportunity and lodged this appeal on the grounds of non-determination.
4. Accordingly, I consider that the main issues are:
 - whether or not the proposal would provide a suitable site for housing, having particular regard flooding; and
 - whether the proposal would provide adequate living conditions for future occupants, with regard to noise; and,
 - the effect on the living conditions of the occupants of neighbouring residential properties, with regard to noise.

Reasons

Flood Risk

5. The Council confirms that the eastern boundary of the site lies within Flood Zone 3, as defined on the surface water flood maps. Although the appellant does not dispute this, I note that the Drainage Statement prepared by Stewart & Harris, dated 28 September 2006, states that the site is within Flood Zone 1. However, this statement is of some age and there is a likely probability that it does not reflect the most up-to-date flood maps. I have not been presented with any extracts from the surface water flood maps referred to and therefore I cannot be certain as to how much of the site falls within Flood Zone 3. Nevertheless, in the absence of any substantive evidence to the contrary, I consider that the site, albeit only part of it, falls within Flood Zone 3.
6. Footnote 50 of the National Planning Policy Framework (the Framework) states that a site-specific flood risk assessment should be provided for all development within Flood Zones 2 and 3. The National Planning Practice Guidance (PPG) clearly identifies 'buildings used for dwelling houses' as 'more vulnerable' development. Paragraph 158 of the Framework requires the application of a Sequential Test in decision taking in order to steer new development to areas with the lowest probability of flooding. It goes on to state that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
7. Paragraph 159 goes on to say that if, following application of the Sequential Test, it is not possible for development to be located in zones with a lower risk of flooding, the Exception Test may have to be applied. A more vulnerable use such as dwellings should only be permitted in Flood Zone 3 if the Exception Test is passed. To pass the Exception Test it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site-specific flood risk assessment demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users.
8. It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere¹.
9. The Drainage Statement indicates how the previously approved scheme would mitigate any existing drainage on the site and what drainage scheme would be utilised. However, there is no evidence within the statement, or elsewhere before me, that a Sequential Test has been undertaken. Therefore, there is insufficient evidence to demonstrate that there are no alternative sites at lower risk of flooding.

¹ Planning Practice Guidance, Paragraph: 034 Reference ID: 703420140306

10. I note that the Committee Report suggested a condition requiring a Flood Risk Assessment to be submitted as part of the reserved matters. However, as such information is required in order to determine whether or not the site is suitable for the proposed development, the imposition of such a condition would be unreasonable and therefore fail the tests set out in paragraph 55 of the Framework.
11. I have also had regard to the planning history of the site and the previous planning permissions. However, in the absence of any detailed information regarding these permissions, I cannot be certain that the constraints of the site at the time, notably the risk to flooding, were comparable to the existing constraints.
12. I find therefore that it has not been satisfactorily demonstrated that the proposal would not represent an unacceptable risk to flooding. I have not been referred to any specific development plan policies in respect of this main issue. However, the proposal would fail to accord with the Framework's aim of directing development away from areas of highest flood risk.

Noise

13. It is not clear from the Council's evidence whether or not their concerns regarding the need for an NA is in respect of the living conditions of future residents of the development, neighbouring residents, or both. I have considered the proposal in respect of both.
14. The application is in outline form with all matters reserved for future consideration. Since the previous planning approval on the site was granted, there is no dispute that the surrounding environment has changed. In particular, dwellings have been constructed to the east of the site and the adjacent factory has changed its operations and plant/machinery. As a result, the potential implications of the proposal on neighbouring residents and the existing factory on future residents is different.
15. However, given the size of the site, there is no evidence before me to demonstrate that any potential effects of noise on existing and future residents cannot be adequately mitigated through appropriate siting of the proposed uses and the use of mitigation measures that could be secured by way of appropriately worded conditions, were I minded to allow the appeal.
16. I find therefore that the proposal would provide adequate living conditions for future occupants and would not result in any significant harm to the living conditions of existing neighbouring residents, with regard to noise. The Council have not referred me to any specific development plan policies in respect of this main issue. However, I find no conflict with the Framework's objective of protecting residential amenity.

Other Matters

17. I note the concerns raised by interested parties regarding the effect of the proposal on ecology. Whilst I acknowledge that the site has been cleared of vegetation, it is a brownfield site, free of any buildings and surrounded by development on three sides, including a large factory. Furthermore, to the north is improved grassland. The Preliminary Ecological Appraisal prepared by Arbor Vitae concludes that the site has very limited ecological value and that no mitigation for loss of habitats or impact on protected species is necessary. In

the absence of any substantive evidence to the contrary, I find no reason to conclude otherwise.

Conclusion

18. Whilst the proposal would provide adequate living conditions for future occupants and would not result in any significant harm to the living conditions of existing neighbouring residents, with regard to noise, these are neutral effects and therefore carry no weight in favour of, or indeed against, the proposal. Therefore, there are no material considerations that outweigh the harm I have found in respect of the unacceptable risk the proposal represents to flooding.

19. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR



Appeal Decision

Site visit made on 3 June 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2019

Appeal Ref: APP/L3245/W/19/3224318

Atterley, Bings Heath Junction with A53 To Former North Shropshire Junction, Bings Heath, Astley SY4 4BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Ebrey against the decision of Shropshire Council.
 - The application Ref 18/05178/OUT, dated 7 November 2018, was refused by notice dated 3 January 2019.
 - The development proposed is the erection of one detached bungalow.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the dwelling on the character and appearance of the area and whether the site is a suitable location for housing, having regard to local and national planning policy.

Procedural Matter

3. The planning application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on this basis.

Reasons

Character and appearance

4. The appeal site forms part of the rear garden of Atterley, which comprises a large, detached, two-storey dwelling set within an extensive plot. The site is located within a cluster of dwellings. Whilst existing properties vary in their size and design, there is consistency in that they are located within extensive plots, follow established building lines and generally have a presence within the streetscene, which creates a strong pattern and grain of development.
5. The appeal site sits behind the existing dwelling of Atterley. As a consequence, the proposal would introduce a dwelling within the backland area between the properties to the north and those to the south, which, with the exception of small, ancillary domestic buildings, is currently free from built form. This would be in marked contrast with the existing pattern of development.
6. Furthermore, the lack of street frontage that the dwelling would have, being largely screened from the public realm by the existing dwelling, would be out of character and incongruous with the form of the existing development.

7. The appellant argues that the Council indicate that if the proposal was for an affordable dwelling it might be acceptable. However, there is no evidence before me to indicate that the Council consider that an affordable dwelling would not have the same harmful effect on the character and appearance of the area as the proposal. In any event, I have determined the proposal on the basis of what was sought, ie. outline planning permission for an open-market, self-build dwelling.
8. I find therefore that the proposal represents an unacceptable form of backland development that fails to respect the existing pattern and grain of development. As such, it would significantly harm the character and appearance of the area, contrary to Policy CS6 of the Shropshire Council Core Strategy (CS) 2011 and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015, which, amongst other things, seek to ensure that development respects and enhances local distinctiveness and responds appropriately to the form and layout of existing development. It would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework).

Suitable location

9. The CS seeks to focus new residential development within market towns, other key centres and certain named villages. Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire SAMDev. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.
10. The site is located outside any settlement identified for residential growth within the development plan. Policy CS5 of the CS allows new development in such locations only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5. However, the list is not exhaustive.
11. Policy CS5 is complemented by Policy MD7a of the SAMDev, which goes on to further state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. Therefore, it seems to me that although Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside, Policy MD7a of the SAMDev does, unless specific criteria are met.
12. The proposal is for an open market, self-build dwelling. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes certain duties on planning authorities, one of which is to keep a register of all individuals and organisations who are interested in acquiring a self-build/custom-build site. The planning authority must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding. It goes on to clarify that 'development permission' is "suitable" if it is permission in respect of development that could include self-build and custom housing.

13. Paragraph 61 of the National Planning Policy Framework (the Framework) states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). However, I do not agree with the appellant's assertion that this means that there should be separate policies within the development plan addressing each of these needs. Self-build dwellings are one of a number of types of development that fall under the general housing policies of both the CS and SAMDev, which could also include, for example, families with children and people who rent their homes. There is no requirement within paragraph 61 that there must be a specific policy addressing each of these needs. It only requires that the needs of these different groups must inform the development plan policies. There is no evidence before me to suggest that the Council did not take into account the needs of these groups when they drafted the development plan policies.
14. The Council's Type and Affordability of Housing Supplementary Planning Document (SPD) 2012 recognises that self-build properties can help to achieve mixed and balanced communities. Neither the CS nor the SAMDev policies explicitly refer to self-build housing. However, the relevant housing supply policies do allow, amongst other things, single plot developments within areas that the Council consider to be suitable locations, ie. settlements identified for growth. There is nothing preventing these single plot developments being for open market, self-build dwellings. Moreover, Policy CS5 of the CS and Policy MD7a of the SAMDev allow residential development outside of these areas, albeit subject to further restrictions. Nevertheless, these policies support self-build dwellings, albeit providing they are secured as affordable dwellings.
15. Therefore, the development plan supports the provision for self-build dwellings, providing they are in suitable locations, as identified in Policies CS4 and CS5 of the CS and Policies MD1 and MD7a of the SAMDev. Legislation with regard to self-build is not carte blanche for development in otherwise unsuitable locations. Accordingly, the development plan is not silent on the matter of self-build dwellings, either affordable or open market. There is no dispute that the Council can demonstrate a five year supply of deliverable housing land. Therefore, the policies most relevant for determining the application are not out-of-date and as such paragraph 11d) of the Framework is not engaged. The fact that the CS and SAMDev predate the publication of the Framework and the Self-build Act does not render the policies within the development plan to be out-of-date.
16. The Council confirms that that between 31 October 2017 and 30 October 2018 there were 127 individuals on the part 1 of the self-build Register, with no groups or individuals within groups registered. As of, 30 October 2018, there were 31 individuals only. Between 1 April 2016 to 30 October 2018 the number of planning permissions granted for serviced plots suitable for self and custom build was 179. Furthermore, between January 2015 and April 2018, the Council had 483 people requiring self-build plots. Overall, between January 2015 and October 2018 the Council granted planning permission for 529 self-build plots.

17. The appellant contends that it is not clear whether or not these dwellings are necessarily for people on the self-build register. However, there is no requirement that the Council must grant planning permission for each person on the register. Providing that the Council is granting planning permission for the equivalent number of plots as the number of entries on the register, I consider that it is carrying out its statutory duty and meeting the demand.
18. I therefore conclude that the proposal is not located in a suitable location and therefore would undermine the Council's housing strategy, as envisaged in Policies CS4, CS5 and CS11 of the CS and Policies MD1 and MD7A of the SAMDev.

Other Matters

19. I have had regard to the article referred to me by the appellant regarding an appeal in Lancashire¹. However, a copy of the Inspector's decision is not before me and therefore I cannot be certain that there are any direct comparisons with the current appeal. Accordingly, I attribute very limited weight to this matter. The appellant has also referred me to extracts from a number of appeal decisions. However, without the full details of the appeal decisions or the evidence submitted to the Inspectors in support of them I cannot be certain that there are any direct comparisons with the appeal before me. Therefore, I also attribute them limited weight.
20. I have had regard to the appeal decisions for the sites in Chedgrave² and Tacolneston³. I note that the development plan policies for the Chedgrave scheme were markedly different to Shropshire's and in the Talconeston scheme paragraph 11d) of the Framework was engaged. Furthermore, I have had regard to the appeal decision for a site in Reading⁴. However, there are no details before me of what the evidence submitted in support of the appeal was, in particular, what the relevant housing supply policies of the development plan were. Therefore, I do not find that there are direct comparisons with the appeal before me that weight in its favour.
21. I acknowledge that the dwelling would enable the appellant to live close to his family for social support and would make a positive, albeit limited, contribution to the supply of housing in the area. These are social benefits that weigh in favour of the proposal. Furthermore, the construction of the dwelling would likely create construction jobs and utilise materials from local merchants. Therefore, there would be some economic benefit.
22. However, due to the limited facilities within Bings Heath, the occupants of the dwelling would likely rely on the private car to access many services, facilities and employment opportunities. Furthermore, as I have identified above, the dwelling would have an unacceptable effect on the character and appearance of the area. Therefore, it would have a harmful effect on the environmental dimension of sustainable development. I do not consider that the limited social and economic benefits would outweigh this harm.
23. I acknowledge that the proposal would include a SUDs scheme to include existing surface water on the site, which could improve existing conditions.

¹ Planning Resource article dated 20 February 2019

² Appeal Ref APP/L2630/W/17/3167831

³ Appeal Ref APP/L2630/W/17/3180722

⁴ Appeal Ref APP/W0340/W/15/3051146

Furthermore, appropriate measures could improve biodiversity. However, in the absence of any details regarding these matters, I attribute them very limited weight.

Conclusion

24. Whilst the proposal would provide limited socio-economic benefits, I do not consider that this outweighs the overall significant harm it would have on the character and appearance of the area and the Council's housing strategy.

25. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR

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Appeal Decision

Site visit made on 3 June 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2019

Appeal Ref: APP/L3245/W/19/3224676

Oak Tree Cottage, Wattlesborough, Halfway House, Shrewsbury SY5 9EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Phillip Edwards against the decision of Shropshire Council.
 - The application Ref 18/05582/VAR, dated 28 November 2018, was refused by notice dated 14 February 2019.
 - The application sought planning permission for the erection of a 3-bed Single Plot Exception (SPE) affordable dwelling and detached double garage without complying with a condition attached to planning permission Ref 12/03658/FUL, dated 25 March 2014.
 - The condition in dispute is No 5 which states that:
The dwelling hereby permitted, shall not exceed 100sqm gross internal floor area, including any future extensions. No further internal habitable space shall be created within the dwelling by internal alterations.
 - The reason given for the condition is:
To ensure that the dwelling is of a size appropriate to the local affordable housing market.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant seeks to remove the disputed condition to enable a link to be constructed between the approved detached double garage and the dwelling to create a boot/coat room at ground floor and a toilet in the roof space. Details of the proposed extension have been submitted. However, the appeal before me only seeks to remove the disputed condition and not planning permission for the extension. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the condition is reasonable and necessary in the interests of ensuring there is an adequate supply of affordable housing in the area.

Reasons

4. The appeal site comprises a large, detached, two-storey dwelling set within an extensive plot. The dwelling was granted planning permission on the basis that it was an affordable dwelling. The disputed condition restricts the gross internal floor area of the dwelling to 100sqm to ensure that the size of the

dwelling remains appropriate to the local affordable housing market. The Council's Type and Affordability of Housing Supplementary Planning Document (SPD) 2012 states that the figure of 100sqm is adequate to accommodate a family of up to 6 persons. It goes on to state that larger properties are more expensive and run counter to the primary aim of ensuring affordability.

5. The existing dwelling has three bedrooms, one with an en-suite, and a bathroom at first floor. On the ground floor there is a kitchen/diner, a large living room and a W.C. Whilst not yet constructed, the approved double garage has an office at first floor level.
6. The appellant confirms that there are two adults and three children living in the appeal property, totalling five persons. Therefore, based on the SPD, the permitted floor area would be sufficient to meet the needs of the appellant and his family. I acknowledge that the extension sought by the appellant would enable dirty footwear and clothes to be removed before entering the living area of the house, which would be of benefit to the him. However, I do not consider that this justifies what would become a very large dwelling.
7. The appellant contends that around the time that the dwelling was granted planning permission, March 2014, the Council were inconsistent in their consideration of single dwellings. In February and March 2015, the Council granted planning permission for single dwellings within the vicinity of the site, each being approximately 200sqm¹. However, based on the evidence before me, these dwellings were considered on the basis of what the planning applications sought, which was open market dwellings. The subject application sought planning permission for an affordable dwelling. Therefore, despite the changes in the Council's five year housing land supply status, the policy considerations between the affordable dwelling, as applied for, and the open market dwellings, was markedly different.
8. I acknowledge the appellant's frustration that the size of the approved open market dwellings referred to are significantly greater than his and that the appeal property is subject to restrictions on its size. However, based on the evidence before me, the Council correctly determined the original planning application for the appeal property based on it being an affordable dwelling, as that is what was applied for, and applied the relevant development plan policies and SPD in relation to affordable dwellings, which clearly states that such dwellings will be subject to restrictions on their size. It was not the responsibility of the Council to advise the appellant at the time to change the proposal to an open market dwelling, even if a change in policy and housing land supply circumstances may have resulted in such a proposal being acceptable.
9. I note the appellant's contention that prior to the submission of the planning application for the dwelling he was advised that planning permission for an open market dwelling would not be forthcoming. However, there is no substantive evidence to support this contention. In any event, it was open to the appellant to seek professional advice at the time and submit a planning application for an open market dwelling if they so wished.

¹ LPA Refs14/03486/OUT and 14/00629/OUT

10. I have had regard to the recent appeal decision elsewhere in Shropshire that related to the removal of a similar condition². The Inspector's conclusion was based largely on the restrictions set out in the S106 agreement, which restricted the dwelling to 60% of its market value and therefore he was satisfied that the dwelling would remain affordable. However, whilst there is a S106 agreement attached to the subject appeal property, there are no details before me of its content. Therefore, I cannot be certain that if I removed the disputed condition, the dwelling would remain affordable.
11. In conclusion, the appeal property is an affordable dwelling. The disputed condition ensures that the dwelling remains of a size that is affordable, preventing it from becoming too expensive to buy and run for those eligible to purchase an affordable dwelling. There is no evidence before me to suggest that there is not a need for affordable housing in the area. For these reasons the condition is necessary and reasonable. Therefore, based on the evidence before me, the removal of the condition would likely result in the dwelling no longer being affordable and therefore would be contrary to Policies CS4, CS5 and CS11 of the Shropshire Core Strategy 2011, Policies MD3 and MD7a of the Shropshire Site Allocations and Management of Development Plan 2015 and the SPD, which together seek to ensure that ensure a suitable mix of housing, including affordable housing.

Other Matters

12. The appellant submits that not allowing the appellant to extend the appeal property infringes Article 8 of the European Convention on Human Rights. I recognise that the appellant and his family consider that the proposal would interfere with their right to respect for their private and family life, his home and his correspondence. However, this must be weighed against the wider public interest. In this instance, the need for the provision of affordable housing is a sufficient material consideration and any interference with the appellant and his family's peaceful enjoyment of their property and their right to respect for their private and family life is proportionate and strikes a fair balance in compliance with the requirements of Article 1 of the First Protocol.

Conclusion

13. The planning history of the appeal site is a material consideration in my determination of the planning merits of the proposal to remove the disputed condition. However, I must determine the appeal based on an assessment of the current development plan. It has not been demonstrated that there is sufficient justification to remove the disputed condition contrary to the development plan.
14. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR

² Appeal Ref APP/L3245/W/19/3222930

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Appeal Decision

Site visit made on 3 June 2019

by **Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th June 2019

Appeal Ref: APP/L3245/W/19/3225360

Land between Green Hedges and Appleby, Ford, Shrewsbury SY5 9LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Hilary Silva against the decision of Shropshire Council.
 - The application Ref 18/04534/OUT, dated 19 September 2018, was refused by notice dated 27 November 2018.
 - The development proposed is the erection of a single detached dwelling and garage with access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved for future consideration. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the site is a suitable location for housing, having regard to local and national planning policy.

Reasons

4. The Shropshire Core Strategy (CS) 2011 seeks to focus new residential development within market towns, other key centres and certain named villages. Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster.
5. The site is located outside any settlement identified for residential growth within the development plan. The appellant argues that in the Council's 'planning review' 100 dwellings are to be delivered in Ford between 2016 and 2036. However, there is no indication what the status of this 'planning review' is and therefore I can only attribute it very limited weight. The Council confirm that Ford is not a settlement for residential growth within the current development plan and in the absence of any evidence to the contrary, I concur with this view. I have had regard to the previous use of the land and its proximity to a small cluster of dwellings and a restaurant/hotel. However,

individually or cumulatively, these do not outweigh the fact that the site is not located within a settlement identified for residential growth within the development plan. Therefore, for the purposes of the development plan, the site is located within the open countryside.

6. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5. However, the list is not exhaustive.
7. Policy CS5 is complemented by Policy MD7a of the SAMDev, which goes on to further state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. Therefore, it seems to me that although Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside, Policy MD7a of the SAMDev does. As the proposal is for an open market dwelling, the proposal would fail to accord with Policies CS5 and MD7a.
8. The appellant contends that the site once formed part of a larger site known as 'Shop Yard', which was sold for building plots in 1953. Whilst the evidence before me is not clear when the houses that were subsequently built on 'Shop Yard' were constructed, including the neighbouring properties to the site, Appleby and Green Hedges, based on my observations made on site, they were constructed a long time before the publication of the CS and the SAMDev. Therefore, these dwellings were most likely considered under different local and national planning policies than the proposal before me. The current proposal must be considered against the current development plan, which, as I have identified above, does not support open market dwellings in this location.
9. I have been referred to a recently approved planning application¹ for a dwelling on Station Bungalow. Whilst this would likely have been considered under the same planning policies as the current proposal, the site had already been granted outline planning permission. As there is no evidence before me that the appeal site benefits, or has recently benefited, from such permission, I do not consider that there are sufficient similarities to find that the Council has been inconsistent in their consideration of the two schemes.
10. I find therefore that the development would not represent a suitable location for housing, having regard to the Council's housing strategy, as embodied by Policies CS4 and CS5 of the CS and Policies MD1 and MD7a of the SAMDev. It would also fail to accord with the housing objectives of the National Planning Policy Framework.

Conclusion

11. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR

¹ LPA Ref 17/02154/OUT



Appeal Decision

Site visit made on 3 June 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2019

Appeal Ref: APP/L3245/W/19/3223429

2, A488 From Nags Head to Plealey, Pontesford, Shrewsbury SY5 0UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Josh Jones against the decision of Shropshire Council.
 - The application Ref 18/05011/OUT, dated 28 October 2018, was refused by notice dated 25 January 2019.
 - The development proposed is the erection of 1 detached self build dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on that basis. Drawings have been submitted indicating the siting of the dwelling and its scale and appearance. However, I have considered these on the basis that they are illustrative only.

Preliminary Matters

3. At the time of my site visit, there was a static caravan on the site, which appeared to be occupied. The Council confirms that this does not benefit from planning permission. The appellant contends that planning permission is not required for the caravan as it is permitted development. In any event, the presence of the caravan has had no bearing on my assessment of the planning merits of the appeal before me.

Main Issue

4. The main issues in this appeal are:
 - whether the site is a suitable location for housing, having regard to local and national planning policy;
 - the effect of the proposal on the character and appearance of the area, including the Shropshire AONB;
 - the effect of the development on flooding; and,
 - the effect of the development on biodiversity and protected species.

Reasons

Suitable location

5. Policy CS1 of the Shropshire Council Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. Development in rural areas will be predominantly in Community Hubs and Community Clusters.
6. Policy CS3 Shropshire Council Adopted Core Strategy (CS) 2011 states that the Market Towns and other Key Centres will maintain and enhance their roles in providing facilities and services to their rural hinterlands and that balanced housing and employment will take place within the towns' development boundaries.
7. Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.
8. The site is located outside any settlement identified for residential growth within the development plan. Policy CS5 of the CS allows new development in such locations only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5. However, the list is not exhaustive.
9. Policy CS5 is complemented by Policy MD7a of the SAMDev, which goes on to further state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. Therefore, it seems to me that although Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside, Policy MD7a of the SAMDev does, unless specific criteria are met.
10. The proposal is a for an open market, self-build dwelling. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes certain duties on planning authorities, one of which is to keep a register of all individuals and organisations who are interested in acquiring a self-build/custom-build site. The planning authority must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding. It goes on to clarify that 'development permission' is "suitable" if it is permission in respect of development that could include self-build and custom housing.
11. Paragraph 61 of the National Planning Policy Framework (the Framework) states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers,

people who rent their homes and people wishing to commission or build their own homes). However, I do not agree with the appellant's assertion that this means that there should be separate policies within the development plan addressing each of these needs. Self-build dwellings are one of a number of types of development that fall under the general housing policies of both the CS and SAMDev, which could also include, for example, families with children and people who rent their homes. There is no requirement within paragraph 61 that there must be a specific policy addressing each of these needs. It only advises that the needs of these different groups must inform the development plan policies. There is no evidence before me to suggest that the Council did not take into account the needs of these groups when they drafted the development plan policies.

12. The Council's Type and Affordability of Housing Supplementary Planning Document (SPD) 2012 recognises that self-build properties can help to achieve mixed and balanced communities. Neither the CS nor the SAMDev policies explicitly refer to self-build housing. However, the relevant housing supply policies do allow, amongst other things, single plot developments within areas that the Council consider to be suitable locations, i.e. settlements identified for growth. There is nothing preventing these single plot developments being for open market, self-build dwellings. Moreover, Policy CS5 of the CS and Policy MD7a of the SAMDev allow residential development outside of these areas, albeit subject to further restrictions. Nevertheless, these policies support self-build dwellings, albeit providing they are secured as affordable dwellings.
13. Therefore, the development plan supports the provision for self-build dwellings, providing they are in suitable locations, as identified in Policies CS4 and CS5 of the CS and Policies MD1 and MD7a of the SAMDev. Legislation with regard to self-build is not carte blanche for development in otherwise unsuitable locations. Accordingly, the development plan is not silent on the matter of self-build dwellings, either affordable or open market. There is no dispute that the Council can demonstrate a five year supply of deliverable housing land. Therefore, the policies most relevant for determining the application are not out-of-date and as such paragraph 11d) of the Framework is not engaged. The fact that the CS and SAMDev predate the publication of the Framework and the Self-build Act does not render the policies within the development plan out-of-date.
14. The Council confirms that between January 2015 and April 2018, the Council had 483 people requiring self-build plots. Overall, between January 2015 and October 2018 the Council granted planning permission for 529 self-build plots. The appellant contends that it is not clear whether these dwellings are necessarily for people on the self-build register. However, there is no requirement that the Council must grant planning permission for each person on the register. Providing that the Council is granting planning permission for the equivalent number of plots as the number of entries on the register, I consider that it is carrying out its statutory duty and meeting the demand.
15. I therefore conclude that the proposal is not located in a suitable location and therefore would undermine the Council's housing strategy, as envisaged in Policies CS1, CS3, CS4, CS5 and CS11 of the CS and Policies MD1, MD3 and MD7A of the SAMDev.

Character and appearance

16. The appeal site lies between a pair of semi-detached dwellings to the north and a large commercial site providing agricultural supplies to the south. To the east and west are open fields. The site comprises a plot of land that varies considerably in ground levels with a water course running through the site. The boundary with the road is a low stone wall and to the south and east are a small number of trees and hedging. The openness of the site and the lack of built form on it make a positive contribution to the rural character of the area.
17. The site falls within the village of Pontesford, which primarily comprises a collection of dwellings and farmsteads. The eastern side of the settlement is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and the settlement makes a positive contribution to the AONBs rural character in both heritage and landscape terms.
18. The appellant contends that Pontesford is contiguous with Pontesbury, which is a settlement identified for growth within the development plan. However, I do not agree. Pontesford is focused around a central nucleus of development. Whilst Pontesbury is located a short distance to the south west, it is separated by open fields. The sporadic dwellings along the road between the two settlements are not continuous development linking the two settlements. Furthermore, properties within Pontesford have been developed in a loose-knit pattern, with no uniform grain, typical of a rural settlement. In marked contrast, Pontesbury has a much more formal pattern and grain to its development, creating a more urban character.
19. The appellant argues that the ground levels of the appeal site would enable the dwelling to be partly below the ground level of the road, thus reducing its visual impact from public views. However, from the observations I made on site, I share the Council's view that due to the constraints of the site, notably the water course running through it and the varying site levels, it is difficult to conceive how the dwelling would be sited. In any event, the introduction of a dwelling on this site would create a form of built development that would erode the openness of the site.
20. Furthermore, the existing site provides a buffer between the predominantly residential development to the north and the commercial development to the south. The proposal would diminish this buffer, resulting in the amalgamation of the development to the north and south, creating a significant length of continuous linear built form along the east side of the road, which would fail to respect the more nuclei focused pattern and grain of Pontesford. As such, it would significantly harm the rural character of the settlement and the AONB.
21. The appellant argues that in their pre-application advice the Council indicated that an affordable dwelling would be acceptable on the site. However, this was only in principle. The Council make no conclusion on the effect it could have on the character and appearance of the area. Indeed, in respect of the section on 'Scale and Design', it states that an appropriate solution to the multiple and potentially conflicting constraints of the site may prove difficult to find.
22. I find therefore that the proposal would significantly harm the character and appearance of the area and would fail to conserve or enhance the landscape of the AONB. As such, it would fail to comply with Policies CS6 and CS17 of the CS and Policies MD2 and MD12 of the SAMDev, which, amongst other things,

seek to ensure that development respects and enhances local distinctiveness; responds appropriately to the form and layout of existing development, contributes to local distinctiveness, including the AONB; and, avoids harm to Shropshire's natural assets. It would also fail to accord with the design objectives of the Framework.

Flooding

23. The Council confirms that the water course running through the site is known to have flooding problems. The appellant contends that this has since been resolved through recent improvement works to surface water drainage through the reinstatement of storm drains.
24. Notwithstanding these works, there is a dispute between the parties as to what flood zone the site falls within. The appellant states that it is within Flood Zone 1. However, the Council contends that as there is no modelled flood outline for the water course that runs through the site, the surface water flood map should be used as an initial guide to the extent of the flood plain associated with that watercourse, which indicates that the site is in Flood Zone 3. Therefore, I consider that in the absence of any evidence to the contrary, the site should be considered to fall within Flood Zone 3.
25. Footnote 50 of the Framework states that a site-specific flood risk assessment should be provided for all development within Flood Zones 2 and 3. The National Planning Practice Guidance (PPG) clearly identifies 'buildings used for dwelling houses' as 'more vulnerable' development. Paragraph 158 of the Framework requires the application of a Sequential Test in decision taking in order to steer new development to areas with the lowest probability of flooding. It goes on to state that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
26. It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately, the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.
27. In the absence of a flood risk assessment, it is not possible to ascertain the effect of the development on flooding or vice versa. Whilst the recent improvement works may have improved the risk of flooding, there is no evidence to indicate that the current risk is acceptable.
28. I find therefore that it has not been satisfactorily demonstrated that the proposal would not represent an unacceptable risk to flooding. As such, it would be contrary to Policy CS18 of the CS, which seeks to ensure that development reduces flood risk. It would also fail to accord with the Framework's aim of directing development away from areas of highest flood risk.

Biodiversity

29. The Council argue that an environmental corridor runs through the site which has the potential to support a number of protected species. In light of this, an Ecological Survey was carried out by Churton Ecology, dated 28 November 2018. The conclusion of the report was that there are no priority habitats within the site and the habitats that are present are of negligible importance. It also notes that the water course is culverted for considerable distances and polluted and therefore does not provide the connectivity, food resources and overall water quality required by species such as Otter, Water Vole and White-clawed Crayfish. Furthermore, the site is located adjacent to a busy road with streetlights, thus reducing the likelihood of there being bats on the site.
30. Overall, despite the site being located within an environmental corridor, it is of limited ecological value. Therefore, in the absence of any evidence to the contrary, I am satisfied that the proposal would not have any significantly harmful effect on biodiversity. Indeed, it may offer the opportunity to improve the ecological value of the site. As such, I find no conflict with Policy CS17 of the CS or Policy MD12 of the SAMDev, which seek to ensure that development protects and enhances Shropshire's environmental assets. It would also accord with the design objectives of the Framework.

Other Matters

31. I note the article referred to me by the appellant regarding an appeal in Lancashire¹. However, a copy of the Inspector's decision is not before me and therefore I cannot be certain that there are any direct comparisons with the current appeal. Accordingly, I attribute very limited weight to this matter. I have also had regard to the appeal decision for the site in Chedgrave². However, the development plan policies for the Chedgrave scheme appear to be markedly different to Shropshire's and therefore I cannot draw any direct comparison with the proposal before me that weighs in its favour.
32. The proposal would make a positive, albeit limited, contribution to the supply of housing in the area, which is a social benefit. Furthermore, the construction of the dwelling would likely create construction jobs and utilise materials from local merchants. Therefore, there would be some economic benefit.
33. Furthermore, it could provide improvements to biodiversity. However, due to the limited facilities within Pontesford, the occupants of the dwelling would likely rely on the private car to access many services, facilities and employment opportunities, although I accept many of these could be found via a short drive to Pontesbury. In addition, as I have identified above, the dwelling would have an unacceptable effect on the character and appearance of the area and the AONB. Therefore, it would have a harmful effect on the environmental dimension of sustainable development. I do not consider that the limited social and economic benefits would outweigh this harm.
34. I acknowledge the support for the proposal from neighbouring residents. However, my assessment has been based on the planning merits of the proposal.

¹ Planning Resource article dated 20 February 2019

² Appeal Ref APP/L2630/W/17/3167831

35. I note the concerns raised regarding overlooking. However, despite the appearance of the dwelling being reserved for future consideration, I am satisfied that were I minded to allow the appeal, due to the ground levels and distances from neighbouring properties, any potential overlooking could be adequately addressed.

Conclusion

36. Whilst the proposal would provide limited socio-economic benefits and would potentially provide improvements to biodiversity, I do not consider that this outweighs the overall significant harm it would have on the Council's housing strategy, the character and appearance of the area, including the AONB, and the risk to flooding.

37. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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