

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

Date: Monday, 21 February 2022

Committee: Northern Planning Committee

Date: Tuesday, 1 March 2022

Time: 2.00 pm

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

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

There will be some access to the meeting room for members of the press and public, but this will be limited for health and safety reasons. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Members of the public will be able to access the live stream of the meeting by clicking on this link: <https://shropshire.gov.uk/NorthernPlanningCommittee1March2022>

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:
<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard

Interim Assistant Director – Legal and Democratic Services

Members of the Committee

Joyce Barrow
Garry Burchett
Geoff Elner
Ted Clarke
Vince Hunt
Mark Jones (Vice Chairman)
Mike Isherwood
Edward Towers
David Vasmer
Alex Wagner
Paul Wynn (Chairman)

Substitute Members of the Committee

Gerald Dakin
Julian Dean
Nat Green
Nigel Hartin
Pamela Moseley
Steve Davenport

Your Committee Officer is:

Emily Marshall / Shelley Davies Committee Officer

Tel: 01743 257717 / 01743 257718

Email: emily.marshall@shropshire.gov.uk / 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 North Planning Committee held on 23rd November 2021, attached, marked 2.

Contact: Emily Marshall on 01743 257717; or
Shelley Davies on 01743 257718.

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Friday, 25th February 2022 at 2pm.

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 School House, Overton Road, Ifton Heath, St Martins, Oswestry - 21/05360/VAR (Pages 5 - 18)

Variation on Condition Nos 2 and 11 attached to planning permission 20/02248/FUL dated 5 November 2021

6 Proposed Development Land South of Battlefield Roundabout, Battlefield, Shrewsbury - 21/05804/FUL (Pages 19 - 48)

Erection of a foodstore (Use Class E), substation, access, associated car parking and landscaping.

7 Greenacres Rural Training Centre, Fenemere Lane, Fenemere, Baschurch - 21/04211/FUL (Pages 49 - 72)

Erection of a supported living development for adults with learning disabilities. To comprise a single storey building to provide 8 dwellings along with communal areas and staff facilities, car parking and landscaping.

8 Knockin Hall Farm, The Avenue, Knockin - 19/04432/EIA (Pages 73 - 104)

Erection of an extension to a poultry unit including silos and all associated works.

9 Appeals and Appeal Decisions (Pages 105 - 186)

10 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 29th March 2022.



Committee and Date

Northern Planning Committee

1st March 2022

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 23 November 2021

In the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

2.00 - 3.55 pm

Responsible Officer: Emily Marshall / Shelley Davies

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk

Tel: 01743 257717 / 01743 257718

Present

Councillor Paul Wynn (Chairman)

Councillors Joyce Barrow, Garry Burchett, Geoff Elner, Ted Clarke, Mark Jones (Vice Chairman), Mike Isherwood, Edward Towers, David Vasmer, Alex Wagner and Gerald Dakin (Substitute) (substitute for Vince Hunt)

67 Apologies for Absence

Apologies for absence were received from Councillor Vince Hunt (substitute: Councillor Gerald Dakin).

68 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 26th October 2021 be approved as a correct record and signed by the Chairman.

69 Public Question Time

There were no public questions or petitions received.

70 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 Agenda Item 5, planning application 21/03044/FUL – Hawthorn Paddock, Welshampton, Ellesmere, Shropshire, SY12 0NP, Councillor Ted Clarke stated that the agent for the application was known to him as a resident of Bayston Hill however this did not prevent him from considering the application.

With reference to Agenda Item 6, planning application 21/03387/FUL - Proposed Dwelling North East Of 109 Lyth Hill Road, Bayston Hill, Shrewsbury, Shropshire, Councillor David Vasmer declared an interest on the grounds of perceived bias as a family member lived in Betley Road, and stated that he would take no part in the debate and would not vote on the item.

71 Hawthorn Paddock, Welshampton, Ellesmere, Shropshire, SY12 0NP (21/03044/FUL)

The Technical Specialist Planning introduced the application under Section 73A of the Town and Country Planning Act 1990 for the change of use from pony paddock to single pitch gypsy/traveller site including 1No static caravan, 1No touring caravan, amenity block, works to provide gravel drive, installation of septic tank and associated works (part retrospective).

Members' attention was drawn to the information contained within the Schedule of Additional letters which included a number of representations from members of the public.

Councillor Mike Dinsdale, on behalf of Welshampton & Lyneal Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Brian Williams, as local ward councillor, made a statement in objection to the application.

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

In response to comments made by the speakers, the Technical Specialist Planning clarified that the site was agricultural land and not a brownfield site; outlined the situation in relation to pitch availability at Gypsy sites in Shropshire; and stated that the proposal would not set a precedent as it was specific to this site and the personal circumstances of this particular family.

During the ensuing debate Members expressed concern in relation to the application and considered the recommendation to allow temporary permission for 2 years was excessive and should be reduced to a maximum period of 12 months, which would allow adequate time for the pitches at the Park Hall site to be made available for the family. It was

added that the proposed permanent day room structure be removed from any permission granted.

Having considered the submitted plans and listened to the comments made by all of the speakers, it was **RESOLVED:**

That temporary planning permission be granted for a maximum period of 12 months and authority delegated to the Head of Service to attach appropriate conditions and receipt of an amended plan indicating omission of the permanent day room structure.

72 Proposed Dwelling North East Of 109 Lyth Hill Road, Bayston Hill, Shrewsbury, Shropshire (21/03387/FUL)

The Principal Planning Officer introduced the planning application for the erection of 1No dwelling, formation of vehicular access and installation of treatment plant. Members' attention was drawn to the information contained within the Schedule of Additional letters from the Planning Case Officer outlining the reason that the application was to be considered by the Northern Planning Committee.

Mr John Beharrell (local resident) spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Shaun Jones, on behalf of Bayston Hill Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Ted Clarke, as local ward councillor, made a statement in objection to the application and then left the table, took no part in the debate, and did not vote on this item.

In accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, the Solicitor read out a statement from Mr Frederick Carter, the Agent on behalf of the applicant, in support of the proposal.

In response to comments made by the speakers, the Principal Planning Officer stated that the proposed development was within the development boundary and it was the domestic garden that was located outside the boundary, although was already in use as garden following the approved change of use application as detailed in the Officer's report. He added that permitted development rights had been removed for the change of use

application and it was recommended that they also be removed for this application.

At this point in the meeting Councillor David Vasmer declared an interest on the grounds of perceived bias as a family member lived in Betley Road, and stated that he would take no part in the debate and would not vote on the item.

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

RESOLVED:

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

73 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

74 Date of the Next Meeting

It was noted that the next meeting of the Northern Planning Committee would be held at 2.00 p.m. on Tuesday 21st December 2021.

Signed (Chairman)

Date:



<u>Committee and Date</u>
Northern Planning Committee
1 st March 2022

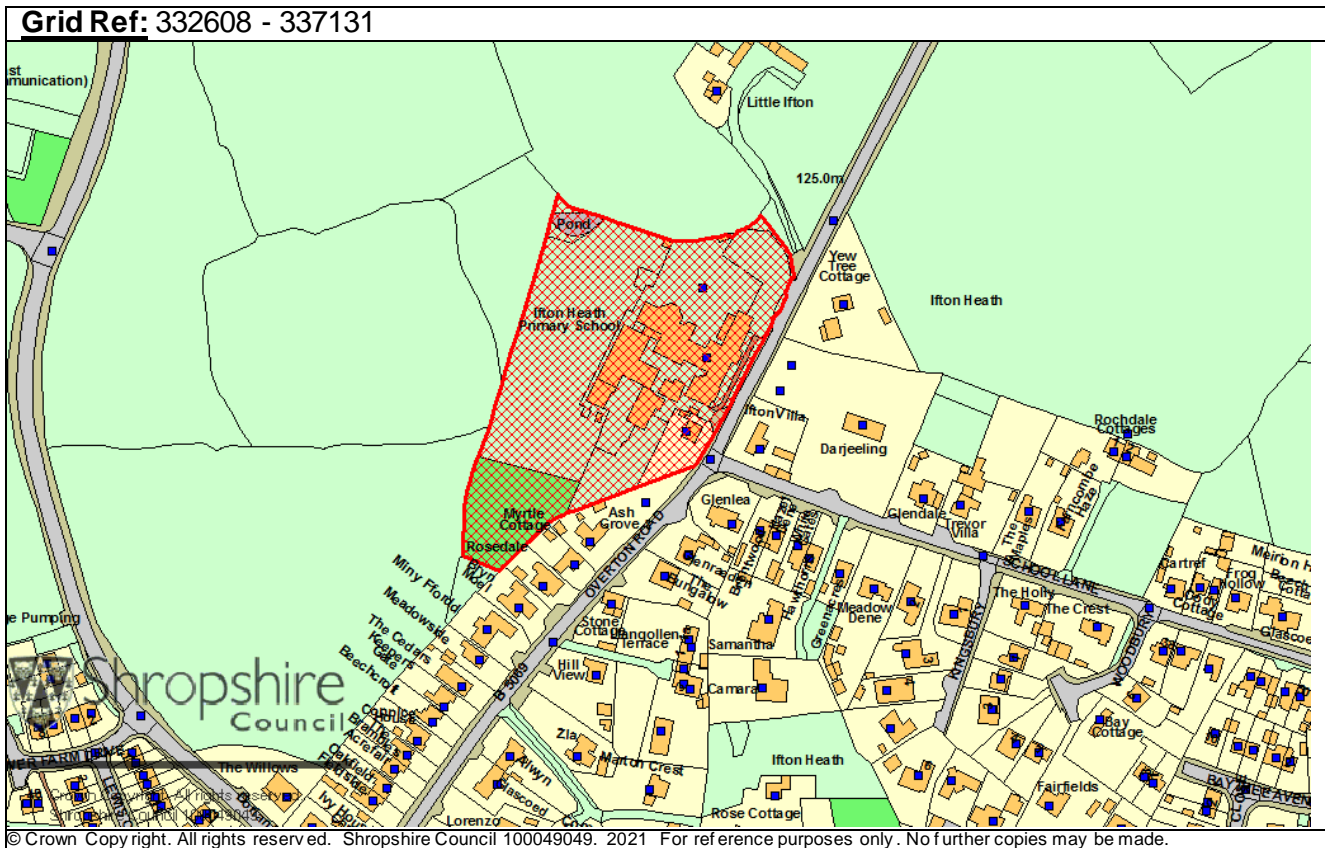
<u>Item</u>
Public

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/05360/VAR	Parish:	St Martins
Proposal: Variation on Condition No.s 2 and 11 attached to planning permission 20/02248/FUL dated 5 November 2021		
Site Address: School House Overton Road Ifton Heath St Martins Oswestry		
Applicant: Cornovii Developments Ltd		
Case Officer: Shannon Franklin	email	: shannon.franklin@shropshire.gov.uk



Recommendation:- Grant Permission subject to the completion of a Deed of Variation to the Section 106, such that its applies to this new permission and the conditions contained in Appendix 1 below.

Officers are seeking delegated authority to the Interim Planning and Development Services Manager such that any amendments to the conditions and S106 legal agreement deemed necessary can be undertaken.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the variation of condition No.2 (Approved plans) and No.11 (Noise) attached to planning permission 20/02248/FUL dated 5 November 2021.
- 1.2 Should the application be approved the house types permitted on site would alter. The variation of condition No.11 has been included within the application as the wording of this condition refers to 'the approved plans', as these are altering for clarity the variation of this condition has been included.

2.0 SITE LOCATION

- 2.1 The site is the former Ifton Heath Primary School that closed in 2012 when the primary school moved to the Rhyn Park Secondary School to provide an all-through school known as St Martins Academy. The site includes the former school building to the front of the site which is an early 20th century, red brick building under a slate roof and traditional in character, with more modern extensions and buildings to the rear, a hard surfaced area providing a former playground and car park to the side and a playing field bound by trees and hedgerows to the rear.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Councils Scheme of Delegation states 'Applications made by the Council or in relation to land owned by the Council which are not in-line with statutory functions'. The land subject to the application is owned by Cornovii Development Limited (CDL), who are also the applicant. Cornovii are wholly owned by Shropshire Council and therefore the application requires consideration by Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 St Martins Parish Council – 13.12.2021 – No comment

St Martins parish council have no comments to make to these amended plans. 09/12/2021.

4.1.2 SC Regulatory Services – 07.12.2021 – No Objection

With the imposition of condition 11 (as in the prior decision) Environmental Protection has no objection to the proposed variation.

4.2 - Public Comments

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

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Variation of the conditions**

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of development on site has been established through the approval of permission referenced 20/02248/FUL dated 5th November 2021. Whilst the development has not been implemented at this stage, it has only recently been approved, there have been no significant changes in policy in the intervening time and the permission remains extant.

6.2 Variation of conditions

6.2.1 Variation of Condition 2

The first condition the application is seeking to vary is condition No.2 which reads as follows:

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.

The applicant wishes for alternate plans to be approved such that the house types can be altered. Whilst the housing mix approved will remain as is, the changes to the approved plans will involve changes to the floors plans, the dwellings positions and the plot boundaries.

6.2.2 The alterations proposed; primarily subsidising the house types on site, have been made to introduce a home offices space to dwellings reflecting the increase in working from home following the pandemic. Additionally following recent market feedback the four bedroom homes now contain ensuite bathroom. To accommodate the change in house types, small amendments have been made to the layout and the Noise Survey has been updated to reflect these changes.

6.2.3 The changes to each plot are summarised below, as per the applicants submitted cover statement;

- Plot 1 & 2 – house type 4SB replaced with an alternative 4 bed unit D16B, front entrances now to the side elevation. The ‘rear’ of the building has moved closer to Overton Road, this is still within an acceptable location with regards to the noise impact from Overton Road.
- Plot 9 – house type 3BA replaced with an alternative 3 bed bungalow with D05. Minor changes to the boundary with Plot 10 to ensure suitable garden area for each dwelling.
- Plot 10 – house type 4DC replaced with an alternative 4 bed unit D16C, with the dwelling re-angled 90 degrees and the garage now provided as a detached building. The boundary to Plot 9 has been amended as above.
- Plots 18 & 19 – house type 3SE replaced with an alternative 3 bed unit D11.

- Plots 20 & 21 – house type 3SD replaced with an alternative 3 bed unit D10.
- Plots 22 & 23 – house type 3SE replaced with an alternative 3 bed unit D11.
- Plot 24 – house type 4DC replaced with an alternative 4 bed unit D16C, with the dwelling re-angled 90 degrees and the garage now provided as a detached building. The dwelling will maintain windows to the internal access road to ensure interest to the streetscene.
- Plot 25 – house type 4DC replaced with an alternative 4 bed unit D16C, with the dwelling re-angled 90 degrees and the garage now provided as a detached building. The dwelling will maintain windows to the internal access road to ensure interest to the streetscene.
- Plots 26 & 27 – house type 3SE replaced with an alternative 3 bed unit D11.
- Plots 28 & 29 – house type 3SE replaced with an alternative 3 bed unit D11.
- Plots 30 & 31 – house type 4SA replaced with an alternative 4 bed unit D16A.
- Plot 32- house type 2BA replaced with an alternative 2 bed bungalow D03.
- Plots 33 & 34 – house type 3SB replaced with an alternative 3 bed unit D11.
- Plot 35 – house type 4DC replaced with an alternative 4 bed unit D16C, with the dwelling reangled 90 degrees and the garage now provided as a detached building. The dwelling will maintain windows to the internal access road to ensure interest to the streetscene and will include the provision of the plaque from the school, agreed to be retained within the development.

6.2.4 Officers have reviewed the proposed changes and the conclusions of the original report still apply. The minor changes in the housetypes may result in an increase in CIL payments as some floor areas are increasing, however the number of bedrooms and number of dwellings provided is unaltered so the public open space provision and affordable housing provision remains unaltered.

6.2.5 The scheme involves no alterations to the highways layout, or the level of parking provisions, and such remains acceptable from a highways perspective. Similarly, having reviewed the revised house types and the re-angling of plots 10, 24, 25, 35, the residential amenity impact on the resultant plots is considered to be acceptable, where a minimum of 21.0m separation distance has been maintained. Resultantly, no concerns are raised in this regard.

6.2.6 Variation of Condition 11

The first condition the application is seeking to vary is condition No1 which reads as follows:

11. The noise mitigation contained within the Nova report dated 07.2021 (including the erection of 2m high acoustic fencing as indicated within the report and the approved plans, and the installation of glazing and mechanical ventilation according to the specification set out within the Nova report) shall be implemented prior to the first occupation of the relevant dwellings and permanently retained.

Reason: To ensure a satisfactory internal noise and external noise environment for future residents.

As the approved plans are to be varied, and the wording of condition 11 refers to the

approved plans, in the interests of completeness the applicant is seeking to vary condition 11, solely so that the revised plans approved under the variation of condition 2 discussed above, are referred to.

- 6.2.7 The SC Regulatory Services (Environmental Health) have confirmed that subject to the reimposition of the condition on the decision to this current application, no objection is raised. The noise assessment at the site has been updated to reflect the minor changes in layout and is considered to be acceptable.

7.0 CONCLUSION

- 7.1 The application seeks to vary condition 2 and 11 of the decision 20/02248/FUL dated 5 November 2021. The variation of condition No.2 seeking alternate approved plans, making changes to the house types, their reorientation and minor associated changes, does not give rise to any conflict with policy and is acceptable in all regards. Similarly, the variation of condition 11, such that it refers to the approved plans subject to condition No.2 is also acceptable.

As the application 20/02248/FUL is subject to a S106 agreement a legal agreement securing a deed of variation to the S106 will need to be completed prior to the formal decision being issued.

Any other conditions imposed on the previous decision (20/02248/FUL) which have not been discharged at the point of determination of the application, will be reimposed on the VAR decision.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

MD3 - Managing Housing Development

National Planning Policy Framework

CS17 - Environmental Networks

CS11 - Type and Affordability of housing

RELEVANT PLANNING HISTORY:

20/02248/FUL Erection of 35 dwelling units and associated operational development following demolition of existing school buildings and retention of the former schoolhouse as a single dwelling (amended description) GRANT 5th November 2021

21/05360/VAR Variation on Condition No.s 2 and 11 attached to planning permission

20/02248/FUL dated 5 November 2021 PCO

22/00307/DIS Discharge of Conditions 3 (CMS), 4 (Tree Protection), 5 (Tree Protection), 6 (Photographic Survey), 7 (Contract), 8 (EPS), and 9 (Ecology) of planning permission 20/02248/FUL 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 Ed Potter

Local Member

Cllr Steven Davenport

Appendices APPENDIX 1 - Conditions

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

1. The development hereby permitted shall be begun before the 5th November 2024.

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities; - measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- a construction traffic management (and HGV routing plan) and community communication protocol;
- construction and delivery times.

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

4. No works associated with the development permitted shall commence and no equipment, machinery or materials shall be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted and approved Tree Protection Plan 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: This information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction commences to safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

5. Notwithstanding condition 4, no works associated with the development permitted shall commence and no equipment, machinery or materials shall be brought onto the site for the purposes of said development until a method statement providing details of tree protection measures to be implemented during the installation of the no dig drive has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

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

6. Demolition of the school buildings considered to be a non-designated heritage asset shall not commence until a photographic Level 1 survey (as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the interior/ exterior of the school building 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.

7. Demolition of the school buildings shall not commence until contracts for the redevelopment of the site have been submitted to the LPA.

Reason: To ensure that new development will proceed after the loss of the heritage asset has occurred as required by Paragraph 204 of the NPPF

8. No works shall take place to Buildings B1, B2 or B3 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.

9. All works to the site shall occur strictly in accordance with the mitigation measures regarding birds, hedgehogs, Great Crested Newts and reptiles as provided in Section 7 of the Ecological Assessment (Star Ecology, May 2020) and all works to Buildings B1, B2 or B3 shall occur strictly in accordance with Section 7 of the Dusk Emergence and Dawn Re-entry Bat Survey & Mitigation Strategy (Middlemarch, Environmental Ltd, February 2021), or in accordance with alternative surveys and mitigation measures/strategy submitted to and approved in writing by the LPA.

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species, birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended) and other protected wildlife.

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

10. No above ground works (other than demolition and site clearance) shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

11. The noise mitigation contained within the Nova report dated 07.2021 (including the erection of 2m high acoustic fencing as indicated within the report and the approved plans, and the installation of glazing and mechanical ventilation according to the specification set out within the Nova report) shall be implemented prior to the first occupation of the relevant dwellings and permanently retained.

Reason: To ensure a satisfactory internal noise and external noise environment for future residents.

12. Prior to the occupation of any dwelling the proposed traffic calming measures shown for illustrative purposes on the approved Drawing No.SK01 Rev PS shall be implemented in accordance with full engineering details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

13. Prior to first occupation each dwelling shall be provided with an electric vehicle charging point.

Reason: To promote more sustainable transport including electric vehicles in accordance with draft local plan policy DP28.

14. The carriageways and footways within the development shall be laid out in accordance with the approved drawings, and prior to any dwelling being first occupied the access road and footway serving that dwelling to be occupied shall be constructed to base course level in accordance with an engineering specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To provide an adequate means of pedestrian and vehicular access to each dwelling.

15. Prior to the occupation of the 35th dwelling within the development the estate roads as shown on the approved drawings shall be final surfaced in accordance with an engineering specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To coordinate the completion of the estate road construction to serve the development.

16. Prior to the above ground works commencing details of the roofing materials, the materials to be used in the construction of the external walls and the details of all 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.

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

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

18. The date plaque from the former school shall be included within the gable of plot 35 and details of on-site interpretation of the sites former school use shall be submitted to and approved in writing by the LPA prior to the first occupation of any of the dwellings. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To maintain an-on-site record of the sites former use and significance.

19. Prior to the occupation of any part of the development a landscape management plan (to include a maintenance schedule and management responsibilities) for all open space and landscape areas (other than privately owned, domestic gardens) including the on-site interpretation approved under condition 18 shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved in perpetuity or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

Reason: To ensure the adequate future management and maintenance of open space and landscaped areas that are outside privately owned gardens.

20. Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes and hedgehog boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved boxes shall be erected on the site prior to the first occupation / use of the buildings and shall therefore be maintained for the lifetime of the development.

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

21. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's 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.

22. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Bat Mitigation and enhancement measures (include photographs of installed features) at the site as set out in Section 7 of the Dusk Emergence and Dawn Re-entry Bat Survey & Mitigation Strategy (Middlemarch Environmental Ltd, February 2021) or in accordance with alternative mitigation and enhancement measures submitted to and approved in writing by the LPA.

Reason: To demonstrate compliance with the bat mitigation and enhancement measures to ensure the protection of bats, which are which are European Protected Species and to ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

23. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN Risk Avoidance Measures (RAMs), as set out in Section 7.4.3 of the Ecological Assessment (Star Ecology, May 2020) or in accordance with alternative RAMS submitted to and approved in writing by the LPA.

Reason: To demonstrate compliance with the GCN RAMS to ensure the protection of great crested newts, which are European Protected Species.

24. No dwelling hereby approved shall be occupied until, detailed arrangements for the provision of additional affordable housing as part of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) the identification of the number and location of dwellings which shall be constructed as an affordable unit;
- (b) the type, size and the affordable tenure of each affordable dwelling to be provided as part of the development;
- (c) the arrangements to ensure that all of the affordable dwellings are allocated in accordance with the Council's adopted Housing Allocations Policy and together with the requirements of any Local Lettings Plan and advertised as available through its preferred Choice Based Lettings System;
- (d) shared ownership dwellings shall be allocated to persons as a form of low cost home ownership on a part buy/part rent basis in accordance with Homes England Model Lease.
- (e) confirmation of any funding conditions associated with the affordable housing units.

The affordable dwellings shall be occupied in accordance with the agreed detailed arrangements for additional affordable housing SAVE THAT the provisions of this condition shall not be binding on a mortgagee or chargee or any receiver (including an administrative receiver appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a receiver)) of the whole or any part of the dwellings or any persons or bodies deriving title through such mortgagee or chargee or receiver PROVIDED THAT

a. such mortgagee or chargee or receiver shall first have given written notice to Shropshire Council of its intention to dispose of the affordable dwellings and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the affordable dwellings to another registered provider or to Shropshire Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies interest and costs and expenses;

and

b. if such disposal has not been completed within the three month period the mortgagee chargee or receiver shall be entitled to dispose of the affordable dwellings free from this condition

Reason: To secure the provision of additional affordable units and to ensure a satisfactory standard of control over the occupation of the affordable units as required by policies CS1, CS4, CS9 and CS11 of the Shropshire Core Strategy.

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

25. No construction (and/or demolition) works shall take place before 7:30am on weekdays and 09:00am on Saturdays nor after 18:00pm on weekdays and 14:00pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

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



<u>Committee and Date</u>
Northern Planning Committee
1 st March 2022

<u>Item</u>
Public

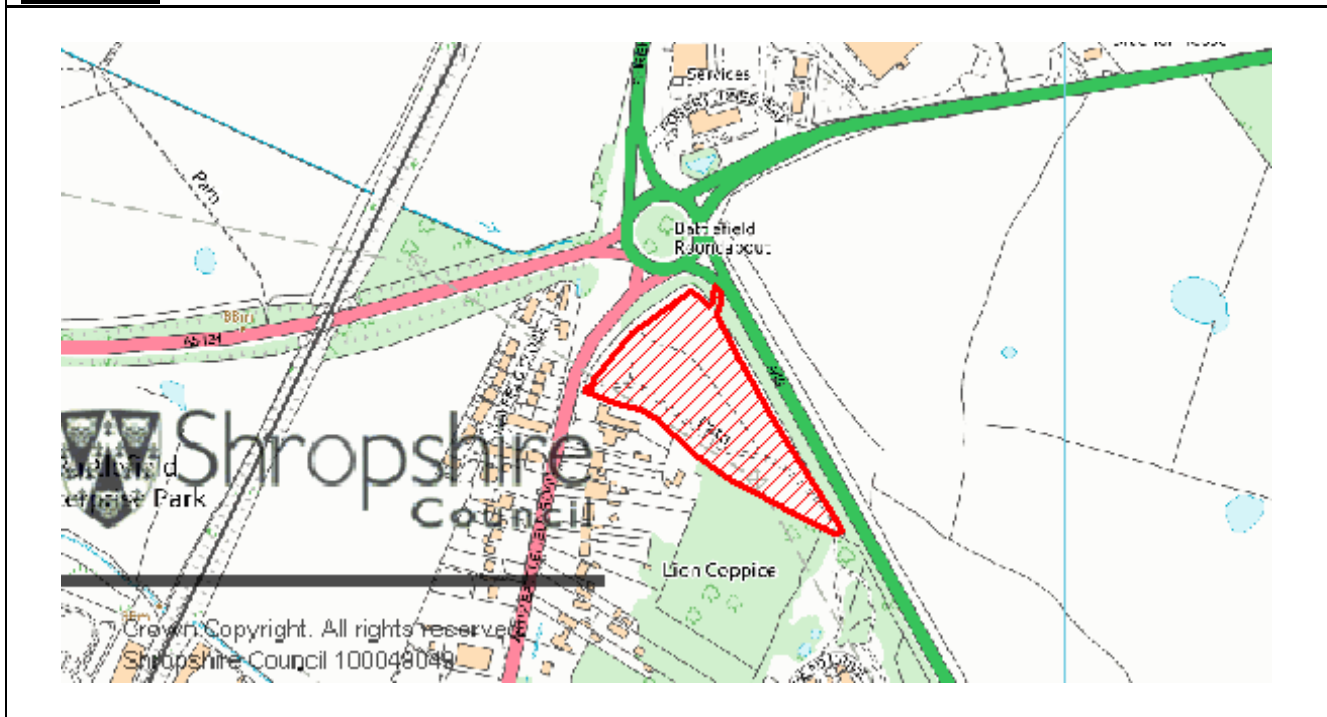
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/05804/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a foodstore (Use Class E), substation, access, associated car parking and landscaping		
Site Address: Proposed Development Land South Of Battlefield Roundabout Battlefield Shrewsbury Shropshire		
Applicant: Aldi Store UK Limited		
Case Officer: Mike Davies	email	: mike.daves.planning@shropshire.gov.uk

Grid Ref: 351650 - 316645



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application is for a food store (Use Class E) (1,880 sq.m Gross External Area; 1,804 sq.m Gross Internal Area; 1,332 sq.m net sales area) to be operated by Aldi Stores UK Limited. The development will include 146 on site car parking spaces, including 9 disabled bays, 9 parent and child spaces and 4 spaces for electric vehicles with a charging point. There will also be space for 12 bicycles to be accommodated outside the store.
- 1.2 The proposals also include the creation of a new access/egress into the site from Battlefield Road, a service yard for deliveries and landscaping treatment around the site. A significant change from the previous proposal on this site is the addition of a left-hand turn exit out of the site which will take traffic north along the A49 to the Battlefield Roundabout, which will reduce traffic queuing to leave the site. If planning permission is granted, Aldi intend to vacate its current store at Arlington Way, prior to the commencement of operations in the new store. This site will then be marketed as an employment site as a direct trade off for this site which is allocated for employment purposes.
- 1.3 The proposed site layout is informed by the design parameters of the site, such as the direction of principal views into the site, a fixed access position along Battlefield Road, an existing footpath through the site, a veteran tree and a pylon with overhead cables.
- 1.4 The proposals integrate the veteran oak tree as the green centrepiece of the development. The proposed store is located to the East of the site, running alongside Eastern boundary to allow maximum customer and occupier visibility into the scheme from Battlefield Roundabout.
- 1.5 The parking spaces included as part of the proposed development will be laid out in a regular pattern to the north and west of the application site. Accessible parking spaces will be located to the west of the store entrance. Cycle parking will also be located adjacent to the store, offering maximum security by means of natural surveillance.
- 1.6 As part of the applicants offer they are proposing to enter into a S.106 Agreement with the Council to market their current site for employment purposes only for a specified period of 10-years. Effectively, the applicant is proposing a land swap in relation to the employment site allocation.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located between the A49 and A5112 to the south of Battlefield Roundabout. The site extends to 2.13 hectares (5.27 acres) and is predominantly greenfield land with naturally regenerated scrub along its north-western and north-eastern boundaries.

- 2.2 There is an existing tarmacked 3-metre-wide footpath/ cycleway runs adjacent to the southern boundary of the site and connects the site to a recent development of 230 dwellings to the south-east of the site (15/00673/REM).
- 2.3 There is an existing high voltage electricity pylon located within the south east part of the site. The site is crossed by the National Grid's high-voltage electricity pylons, which run along the south-western boundary.
- 2.4 The site is located on the edge of the Shrewsbury, around 4.5km north of the town centre.
- 2.5 Beyond the immediate boundaries of the application site, the surrounding area is characterised by residential and industrial uses.
- 2.6 The site lies south of Battlefield Roundabout on the northern edge of Shrewsbury. The site is bounded to its east by the A49 trunk road/ Shrewsbury bypass, to its west by the A5112 Battlefield Road and to its south by residential properties and Lion Coppice woodland. There is also a veteran Tree in the middle of the site which is proposed for retention as a centre piece feature.
- 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
- 3.1 The Town Council objects to the proposals as does the ward member. The officer recommendation is contrary to the views of the Town Council and Ward Member. The matter was referred to the Chair/VC who determined that the application should be determined by the Northern Planning Committee.
- 4.0 Community Representations
- 4.1 - Consultee Comments
- 4.1.1 **Cllr Dean Carroll (Ward Councillor)** - As the local Councillor for this area I wish to formally object to this application, I previously objected to application 20/02631/FUL and the substantive objections to that application remain valid for this application too. I shall summarise below the material planning grounds on which this objection is based.

1. Planning Policy: In Shropshire Council's SAMDev Plan 2006-2026 this site, identified as ELR007, was allocated as employment land. According to Core Strategy Policies CS14 and MD4 employment land is for uses of Class B, where other uses should only be considered in exceptional circumstances. The proposed new supermarket would fall into use Class E. The principle of protecting sites for employment use is well established and a legal requirement for setting a Local Plan. More than that, it is vital economically for the growth and relocation of businesses locally that will supply job and learning opportunities for the local workforce. The claimed net increase of 10 posts does not justify the loss of this promising employment site of over 5 acres. The applicant proposes to swap land use with the site of the existing Aldi store on Arlington Way, a smaller site with existing buildings on that would need to be fully cleared before any redevelopment could commence. Given the lower margins inherent with developments for employment uses I would seriously question the viability and sustainability of this

offer and request it be discarded from consideration for this application. If a greenfield site on a strategic gateway location into Shrewsbury from two trunk roads is not a viable or attractive proposition, how are we meant to believe that the complex redevelopment of a brownfield site surrounded by other uses would be any more viable or attractive? This is a strategic employment site, regardless of size, because of its location at the northern entrance to Shrewsbury from the A49, A53 and should it be constructed also the North West Relief Road, it will be a marker for what visitors and even potential investors in the town should expect from Shrewsbury so we should be demanding the highest standards of both use and design in this location; a well-planned employment site offering good job opportunities and built to the latest standards would do that, a carbon copy supermarket would not.

2. The original consideration of access to this site in the SAMDev Plan 2006-2026 was on the basis of the site as employment land of B Class uses, there is no reference in the applicant's transport assessment to what the difference in generated vehicle movements would be between the envisioned Class B uses of the site and the proposed application. The development of a popular and enlarged supermarket on this site would create far more vehicle movements and throughout the day compared to Class B uses on a site of this size. In determining a separate application further down Battlefield Road for a small housing development Highways Development Control accepted that Battlefield Road was already at or over capacity when taking into account sites already granted planning permission so the net increase in this application compared to the originally envisioned use would also take Battlefield Road over capacity. I contend that this would have a materially adverse impact on the operation of the adjacent highways network.

3. Account needs to be taken of both the comments of the Ramblers Association and the presence of an ancient oak tree in the centre of the proposed development. Whilst the plans do show retention of the oak tree the aspect of an ancient oak should also be taken into consideration. Attention should also be taken to the line of the Right of Way to ensure its enduring protection.

On these grounds I believe this application should be rejected. This site was allocated for employment uses and I believe that it has the capability to deliver small scale, high quality employment opportunities in this part of Shrewsbury and enable the expansion of local businesses which would be lost should this application be approved. If it is the intention of officers to approve this application, then I formally request it be brought before the North Planning Committee for determination on the basis of the material planning reasons above

4.1.2 **Shrewsbury Town Council** - The Town Council object to this application on the grounds of Highway safety. The proposed vehicular exit on to the A49 is a dangerous proposal. The exit is very close to the roundabout at Battlefield and is a danger for car users leaving the food store to join the A49. This will only add to the traffic issues that exist in this already congested location.

4.1.3 **Highways England** – No objections. The development site benefits from an extant planning permission reference 21/01374/FUL for the erection of a food store and associated car parking, access, landscaping and a substation. National Highways

had reviewed the information submitted in support of this application at the time and noted that the development will replace the existing Aldi food store on Arlington Way, Shrewsbury. Based on our review and independent assessments, National Highways did not anticipate the development to result in any detrimental impact on the SRN in the area. Therefore, National Highways issued a 'no objection' response on 19 March 2021.

Having reviewed the information submitted in support of the current consultation, we note that the proposed development detailed within the current planning application remains the same as that of the previously consented application reference 21/01374/FUL. The only difference noted in the current planning application relates to the access arrangement proposed for the development. In addition to the main vehicular access proposed from the A5112 Battlefield Road, an egress only arrangement has been proposed onto the A49.

We have reviewed the traffic flow diagrams presented within the Transport Assessment (TA) submitted, and do not anticipate any material impact on the SRN in the area.

In light of the above, our previous view remains valid and we therefore have no concerns to raise. As such, National Highways offers no objections to this consultation.

- 4.1.4 **SC Highway Authority** – Whilst planning consent was previously granted under reference 21/01374/FUL it is understood that this was subsequently quashed and hence the resubmission to deal with matters not adequately dealt with at the time. This did not involve highway matters and the current application has not materially changed other than the incorporation of a left out exit onto the A49. In this regard you will recall the concerns of Members during the planning application committee debate with regard to vehicles exiting the site onto Battlefield Road and indeed raised this potential vehicle exit option. This has subsequently been looked at by the applicant and their Transport Consultant. Importantly a Stage 1 Road Safety Audit has been carried out and issues that have been raised have been addressed. As part of the design process a further Stage 2 Road Safety Audit would be undertaken and indeed following construction then a Stage 3.

At the outset, the proposal relates to an allocated site in the SAMDev and therefore the principle of developing this site has been established through the local plan process and examination. However, whilst it is acknowledged that the identified use proposed for this site is employment land, it is understood that Aldi are prepared by Section 106 Agreement to offer the existing site off Arlington Way from retail to employment land as compensation for the current application proposal to proceed favourably.

The current application is supported by a Transport Assessment (TA) and following further discussions additional information has been submitted in respect of concerns raised regarding traffic generation and access to the site off Battlefield Road in proximity of the Battlefield Roundabout entry and exit. Further sensitivity assessments have been carried out, a Stage 1 Road Safety Audit of the junction onto Battlefield Road and parking accumulation information which relates directly to

the existing Aldi store off Arlington Way in 2018 and 2019 i.e. pre-Covid times. The latter parking accumulation details are interesting as they show the arrival and departures throughout the day and demonstrate how customer vehicle movements are fairly steady throughout the day, though this is not untypical of how Aldi stores operate in Shropshire. When considering how the smaller and older Aldi stores operated a number of years ago, although the new stores are larger and the spend and dwell time of customers has increased, they do not exhibit traffic problems and all the new sites now operating in Shropshire function without difficulties in relation to parking demand and traffic.

As might be expected, the TA does not raise any fundamental traffic related concerns and considers that the development traffic can be accommodated on the network. Locally however we know that Battlefield Road does suffer from congestion at peak times with queuing back from the Battlefield Road Roundabout towards the Shillingston Drive access. Notwithstanding the conclusions reached in the TA, the position of the highway authority is that this development would have a negative impact at peak traffic periods. The test however in planning terms is whether the cumulative traffic impact of the development would be severe and the view of the highway authority is that the 'severe' impact threshold would not be triggered to justify a highway objection on capacity or safety grounds. The Northwest Relief Road planning application is currently under consideration and at present has assessed that minimal highway mitigation is considered necessary on the A49 southern approach to Battlefield Roundabout. That however is still under review at this stage.

The access has been safety audited and indicates no fundamental road safety concerns. However, in discussions with the applicant's transport consultant it has been acknowledged that the right turn out of the site onto Battlefield Road represents the more difficult movement, particularly at peak times. The revised access drawing now shows greater vehicle stacking for the left turn and right turn out manoeuvre and this is considered a positive amendment to the access. A 'Keep Clear' marking is also shown on the northbound lane of Battlefield Road to assist the right turn out of the site, though the difficulty will be at peak traffic periods along Battlefield Road when there is queuing traffic. What is likely to happen in practise is that customers will adjust their shopping habits to the prevailing peak traffic periods but again the parking accumulation information sets out the pattern of arrivals and departures throughout a Friday period in 2018 and 2019 and show how those movements are relatively steady throughout the day.

Overall whilst there are negative aspects to this development, the highway authority acknowledge that this is an allocated site in the SAMDev and that to a large extent the access position is defined by the available frontage onto Battlefield Road. This is a more unusual Aldi store application as in general the site areas are quite constrained but, in this case, more space is available for landscaping and the car parking provision and servicing arrangements are considered adequate. As set out above, whilst it is considered that this development would have a negative traffic impact upon Battlefield Road at peak times, it is not considered that a highway objection based upon the planning tests of 'severe' is warranted. In addition, the access works will be dealt with under a Section 278 Agreement and subject therefore to technical review.

Based upon the above, the highway authority does not wish to raise a highway objection to the development but would ask that appropriate conditions are imposed upon any consent granted.

- 4.1.5 **SC Public Rights of Way** - Footpath 101 runs through the development area and would be obstructed by the proposed food store. However, the agent for the applicant has been in talks with Officers and a diversion application has been submitted to divert the footpath onto a different line on the ground.
- 4.1.6 **SC Historic Environment** - It is understood that the proposed development site has been allocated for employment under the SAMDev component of the Local Plan (Site Ref. ELR007). It is further understood that this application is a resubmission of the scheme previously proposed under application 21/01374/FUL, with amended access. The proposed developed site is located c. 265m east, and within the setting, of the Registered Battlefield for the Battle of Shrewsbury (NHLE ref. 1000033). Given its proximity to the battlefield, and the fact that the majority of the site remains undeveloped, it is considered that the low-moderate potential for archaeological remains associated with the battle, in the form of portable objects, to be present on the proposed development site.

Summary: No objection subject to condition. It is considered that the proposed development will not cause any harm to the significance of the Registered Battlefield as a consequence of any effects upon its setting for the reasons set out below.

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

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

Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In determining applications for planning permission which have the potential to affect the significance of heritage assets (including by development affecting the setting of a heritage asset), local planning authorities are required to consider the heritage significance of that asset.

In response to the requirements set out in Policy MD13 of the Local Plan, Paragraph 194 of the NPPF (July 2021), and the guidance contained on Shropshire Council's Shrewsbury Registered Battlefield Standing Pre-Application Advice Note, the Applicant has submitted a Heritage Statement by JLL (November 2021) and an Archaeological Desk Based Assessment by Bear Archaeology (November 2021)

which set out the significance of the assets in the surrounding area of the application site which have the potential to be indirectly affected by the proposed development.

Shrewsbury Battlefield

In respect of the battlefield, its principal significance lies in its historic and archaeological interest.

Shrewsbury Battlefield is situated to the north-west of the application site, separated by a field, modern arterial roads and a banked train line which runs north to south. The registered battlefield is significant on account of its archaeological potential, military innovations, commemoration value and topographical integrity. The battlefield also holds group value with the Church of St Mary of Magdalene (grade II*) and the College of St Mary of Magdalene (Scheduled Ancient Monument) which both lie within its boundary.

The Registered Battlefield is of historic interest marking the site of the Battle of Shrewsbury (1403), a momentous political moment, a pre-cursor to the Wars of the Roses, and a battle which broke the might of the Percy family, confirming the House of Lancaster on the throne. The battlefield also has archaeological significance, potentially containing the remains of arrowheads, weapons and personal effects. A mass grave of the 5,000 who were killed in battle is also allegedly marked by the Scheduled Monument and the Church of St Mary Magdalene which was built to commemorate the souls of the fallen.

It is important to consider the contribution which the application site makes to the significance of the battlefield at present in order to understand whether the proposed development would be likely to cause harm to that significance should it come forward.

The original agricultural and rural setting of the Battlefield has changed over the years but particularly in modern times through the expansion of Shrewsbury towards the battlefield. From within the battlefield, there is an appreciation of the rural character of the area with a series of agricultural fields, paths and natural landscaping. However, the construction of residential developments and a large incinerator to the south of the battlefield, in addition to the new commercial development to the east can also be appreciated from many medium and long-range views within the battlefield.

The battlefield once existed in a rural surrounding with only a handful of houses scattered nearby. However, since the 1850s, infrastructure and housing has been introduced around the battlefield, creating an increasingly semi-urban setting.

A series of commercial developments have previously been established around Battlefield roundabout creating a retail and employment hub to the east of the registered battlefield. To the south of the battlefield, modern residential development has encroached closer over the course of several decades and industrial developments have also been established, including a large incinerator which is experienced within the context of the battlefield.

The application site is a significant distance away from the battlefield and there is very limited intervisibility between the two. As identified in the Landscape Assessment, there will be some limited intervisibility between the battlefield and the Site on account of the landscape screening, modern development and intervening distance. A limited part of the roofscape of the proposed development could be glimpsed from within the Battlefield. It would be at a significant distance and in the context of the surrounding commercial development which forms a band around the east and south of the battlefield. The design of the building has sought to minimise visibility from within the Battlefield by locating the store towards the rear of the site to reduce visibility from within the heritage asset.

It is concluded then that the proposed development would have the potential to cause a very low level of less than substantial harm at the very bottom of the scale of harm. As a result, following paragraph 202 of the NPPF, this harm needs to be weighed against the public interest benefits of the proposed development in order to determining whether it is acceptable in heritage policy terms.

Church of St Mary Magdalene (grade II* listed)

The significance of the Church of St Mary Magdalene derives from its age with elements of the church dating to the early 15th century, when it was built as a commemorative chapel for those who had fallen at the Battle of Shrewsbury in 1403. The church holds close links to the Battle of Shrewsbury and the Scheduled Ancient Monument, it also has a landmark value marking the location of those that fell at the Battle of Shrewsbury. The application site does not make any contribution to the significance or setting of the Church. The Site exists in the outer limits of the church's extended setting, where there is an appreciation of the semi-urban development surrounding Battlefield roundabout and also the residential development from the expansion of the town of Battlefield. As a result it is concluded that the proposed development will not cause harm to the significance of the Church as a result of the proposed development.

The application proposals which are positioned to the south east, are well removed from the College of St Mary of Magdalene Scheduled Ancient Monument (SAM) which is below ground and will not alter its setting. Overall, it is evident that the special historic interest and setting of the nearby heritage asset will remain appreciable and preserved and application proposals will have no impact on the College of St Mary Magdalene.

Officers agree with the assessment contained in the Heritage Statement submitted by the Applicant. The significant intervening distance, development and landscape screening means that the application proposals will not impact the significance or setting of the nearby heritage assets: The Battle of Shrewsbury Registered Battlefield, Church of St Mary of Magdalene (grade II*), College of St Mary of Magdalene Scheduled Ancient Monument. Their significance will be preserved.

With regard to the archaeological interest of the proposed development site itself, and with reference to Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, the Applicant has submitted an acceptable Written Scheme of Investigation

by Bear Archaeology for a programme of archaeological work. A suitable planning condition, to secure the implementation of this programme of archaeological work, is advised below.

4.1.7 **Historic England** - Declined to offer comment on the application. This can be interpreted as meaning that the application does not cause Historic England any concern and that Historic England is content for the Council to determine the application in accordance with the approach set out in the NPPF and the relevant Local Plan Policies

4.1.8 **SC Economic Growth Service** - The Economic Growth Service supports the proposal. The proposal which involves the relocation from the present site at Arlington Way on Sundorne Retail Park to land south of the Battlefield roundabout will safeguard existing jobs, create additional ones and increase the retail offer being slightly larger store. The applicant is willing to accept a planning obligation restricting marketing the site to specified employment uses . A range of employment opportunities will be provided with staff recruited locally and training schemes for apprenticeships and graduates.

There is a widening gap between the level of economic growth value added (GVA) in Shropshire compared to the national average, in addition average pay levels are lower than the regional average. The Economic Growth Strategy and the March LEP Strategic Economic Plan seeks to facilitate opportunities to increase economic potential and activities including increasing GVA.

The Lichfield Economic Development Needs Assessment study has indicated that there is an over-provision of employment land. The key issue, however, is the viability of the development of employment sites and workspace and loss of employment land to higher value uses. Whilst sites may be allocated there is no guarantee that they will be developed. The existing building is capable of being converted or the site which is serviced could be redeveloped depending on the requirements of the future user.

The planning obligation sets out that the landowner will only market the site for employment (Use Class E(g) offices, Storage and distribution (Use Class B8) Trade Counter or other suitable Sui Generis uses (including but not limited to car showrooms). The agreement is limited to a period of ten years and if no lease has been entered into for one or more of the uses then the building and its land can revert back to its permitted use class (Use Class E (a)). This longer period will ensure that there is sufficient opportunity for the economic development of the existing unit.

4.1.9 **SC Regulatory Services** - Noise: The report suggests that plant equipment would be inaudible above the competing L90 (lowest 10% background noise) at the nearest noise sensitive properties, esp 124a Battlefield Road.

The noise report states that the times of delivery would be between 0600 to 2300 and hints that 2200-2300 will be the quietest time. The Delivery noise period is based on the LAeq of 60 dB(a) at 10 m, this is by definition an average noise level which realistically takes into account the peaks, for which distance attenuation and

Predict software modelling show it to be 35-40dBA at no. 124 (White Lodge) and a further impulsivity penalty has been modified by an extra 3dB for the BS4142 assessment to make it 39dB(A). I have measured that it is around 80m from the proposed location of the delivery area to White Lodge, (My cruder and basic distance attenuation of 60dB at 10m from the delivery area make it to be around 42 dB at 80m though so I presume that absorption and topography have taken out around 5dB.)

I would note that the delivery period is quoted to be 50mins to 1hr 20 mins hours long, and it could be the case that the 2300hr arrival would extend the delivery period well past midnight, where the L90 is 37dBA whereas the predicted dB is 39dB, notwithstanding the noisier vehicle arrival and departure and the duration of unloading I would suggest that the delivery time be conditioned as such for deliveries between 0600hrs and 2300hrs to account for this.

Contaminated land Response: A Report by GIP; Ground Investigation for a Proposed Commercial Development at Battlefield, Shrewsbury; Report Ref. KCD/29232, 21st August 2020; FINAL has been submitted in support of this planning application.

The results of the site investigation have not identified any potential risks to human health, controlled waters or from ground gas and therefore Regulatory Services has no comments to make in respect of this application from a contaminated land perspective.

- 4.1.10 **County Arborist** - Overall the arboricultural impact is low. The two veteran Oak trees are to be retained and given full protection in accordance with BS 5837 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection" Apply the tree conditions listed below to any approval.

Report

This is an open grass site with curtilage scrub and thicket hedges (some recently cleared) with a protected veteran Oak tree and a second Oak tree on the SW boundary of the site.

The veteran Oak (T1) is protected by the Shropshire Council "Land south of Battlefield" TPO 2020 and has been retained and described as the "Green centrepiece of the development". As a veteran the correct maximum root protection area of 15m radius has been applied with the tree retained in open space. The root protection area (RPA) is shown as wildflower meadow with scrub cleared. This has the potential to damage the RPA – any clearance of scrub should only be done by hand with no machinery used in the RPA and this area treated with an organic mulch as an alternative to grass/ meadow proposed. There should be no changes in levels around the tree or within the RPA by the addition of soil for example. This work should be supervised by a qualified arboriculturist as stated in condition 2 below.

Protective fencing for a second Oak tree in the SW corner and a barrier 15m from the edge of Lions Coppice (the adjacent priority habitat deciduous woodland) is

shown on the submitted ACS Tree Protection Plan.

Loss of G4 – thicket of hawthorn and Blackthorn to form an access has been mitigated with 19 heavy / extra heavy standards new trees including large canopy specimen oak and Lime.

Should approval be granted then it is recommended that appropriate conditions be attached to consent.

4.1.11 **County Ecologist** - I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out. The preliminary ecological appraisal and bat and owl tree survey carried out by Cheshire Ecological Services (Revised February 2021, June 2021 respectively) found no signs of bat roosting or barn owl nesting in the mature oak tree on site. Bat activity levels were monitored during the activity surveys. Activity levels were considered to be very low. Stock dove were recorded nesting within a cavity in the oak.

Reasonable avoidance measures are required should any deadwood removal or pruning to the oak tree be required. A pre-commencement check for barn owl is also considered necessary.

Any external lighting to be installed as part of this development, including signage, should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area.

SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.

It is therefore recommended that appropriate conditions and informatives are included on the decision notice.

4.1.12 **SC Landscape Consultant** - The LVIA has been written as an outline study and is not fully compliant with national guidance, although it is noted that the application is for a site that is allocated in the Local Plan. We have a number of concerns in respect of the assessment of landscape and visual effects.

No beneficial landscape or visual effects are predicted, with all effects predicted to be slightly adverse or neutral.

The proposals have the potential to comply with Local Plan policies CS6, CS17, MD2, & MD12 in relation to landscape character and visual amenity, and the consultant is now in agreement over the visual assessments, however, although the landscape of the site itself has been included as a receptor, there has been no assessment of effects which may have demonstrated a more positive outcome.

4.1.13 **SC Local Lead Flood Authority** - The LLFA is satisfied with the drainage details of the site subject to appropriate conditions being imposed.

4.2 - Public Comments

4.2.1 3 Objections were received

- Increased traffic generation and congestion
- Detrimental to highway safety
- Road infrastructure proposed cannot be accommodated within existing highway
- Impact on residential amenity
- Increased Litter
- Existing site more accessible to those without a vehicle
- Increased noise, traffic and light pollution
- Will make it more difficult for existing residents to access Battlefield Road
- Detrimental impact on wildlife
- Site allocated for employment uses proposal will not generate sufficient jobs
- Loss of open space
- Existing store nearby no need for another store
- Site is too far away from town centre
- Site drainage concerns as flooding already occurs
- Increased difficulty for pedestrians crossing Battlefield Road
- Existing trees already removed
- The extra traffic on Battlefield Road would require a light controlled cycle crossing to connect the track along the southern edge of the site to the cycle path on the west side of Battlefield Road
- Traffic calming required to keep vehicle speeds down
- A further supermarket is not required area already has significant provision

5.0 THE MAIN ISSUES

Principle of development
 Siting, scale and design of structure
 Visual impact and landscaping
 Residential Amenity
 Highways and Transportation
 Ecology
 Historic Environment
 Economic Development and Employment
 Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The relevant Development Plan Policies are provided within the Shropshire Core Strategy (2011); Site Allocations and Management of Development Plan (2015); Sustainable Design SPD (July 2011); Developers Contributions SPD (July 2011) and National Planning Policy Framework (NPPF) (2019). Those of relevance to the proposal are considered below as part of the appraisal.

6.1.2 The site is a designated employment site (ELR007) within the adopted development plan and the allocation covers an area of 2 hectares. The allocation

identifies Class B1, B2 and B8, plus some sui-generis uses as being appropriate on the site. This allocation precedes the changes to the use classes order which now mean former B1 uses are within the new Class E along with a host of other uses including retail which was previously class A1.

- 6.1.3 A key objective of both national and local planning policy is to concentrate new development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1 and CS2 set out the spatial policies for Shrewsbury. This site is an allocated employment site with the SAMDev Plan. Policy S16.1b
- 6.1.4 Policy MD4 states that employment development will be managed in accordance with spatial strategies CS1 – CS5 and economic and employment strategy CS13. As part of the management of a portfolio of employment land and premises (CS14 and CS19) and to maintain a reservoir of available sites. Proposals for alternative uses on portfolio sites will only be acceptable where the applicant can also demonstrate that there are no other suitable development sites for the proposal. the development will provide significant employment opportunities or other significant benefits for the sustainability of the community and the development will not adversely affect the range and choice of employment sites in terms of location, quality, type and size.
- 6.1.5 In assessing the proposal against the MD4 part b criteria, the applicant states there are no other suitable development sites for the proposal. This is also confirmed in the applicant's Sequential Test conclusions. The Council is not aware of any alternative sites for the proposed development therefore the proposal complies with this part of policy MD4.
- 6.1.6 The applicant concludes that the development will provide significant employment opportunities or other significant benefits for the sustainability of the community. The Council has assessed the criteria and concludes the proposal will retain existing staff and relocate them to the new site, plus addition of at least 15 or more staff. The unilateral undertaking will ensure that new employment will be created by the sale of the Arlington Way store for specified employment uses. The proposal will contribute to a sustainable community by creating a high-quality supermarket offer at discounted prices so that the community can continue to shop locally.
- 6.1.7 The commentary which accompanies this policy specifically advocates the need for a flexible approach to the development of allocated employment sites and specifically those that are undeveloped. In this context the site which is the subject of this application is being brought forward for development on the basis of a land swap proposal and therefore the loss of the site for employment purposes will be offset by the current Arlington Way site being marketed exclusively for specific employment purposes for a 10-year period. It is therefore considered that this is within the spirit of Policy MD4 which advocates a flexible approach to employment allocations and therefore the proposal is not considered to represent a departure from the development plan.
- 6.1.8 The applicant currently has an existing store at Arlington Way which they intend to vacate should planning permission be granted for the new store on the application

site. As the site is allocated for employment use in the Development Plan the applicant has offered to enter into a legal agreement to ensure that its current site is marketed exclusively for a 10-year period for certain specific employment uses rather than being occupied by another retailer.

- 6.1.9 The Planning Statement accompanying the application includes an assessment of the sequential test and impact test with full Catchment Area Plan and Impact Tables. The closure of the existing Arlington Way store and the transfer of the operation to the new site will result in a modest increase in floorspace over and above that of the existing store by 458 sqm in GIA and 394 sqm in net sales area.
- 6.1.10 During pre-application discussions, it was agreed that as the proposal involves the relocation of the store with a modest increase in floorspace, the scope of the retail assessment should reflect this. Accordingly, the retail assessment presents a relatively high-level consideration of the key issues.
- 6.1.11 The impact assessment shows that the nearest town centre is Shrewsbury town centre. The town centre is outside of the core five-minute drivetime and right on the edge of the secondary ten-minute catchment area. The impact on the town centre is less than 1% which is negligible. All other retail developments assessed are out of centre.
- 6.1.12 There is no requirement for a cumulative impact assessment. The existing Aldi store at Arlington Way will close the day before the new proposed store at Battlefield Road is opened. Aldi has already confirmed it does not intend to trade from the Arlington Way store as it's in a poor location and no longer fit for purpose.
- 6.1.13 This application is simply a relocation of the existing retail operation. The sequential test is robust. As a relocation, Aldi seeks to serve its existing catchment area in the north of the town. The Catchment Area Plan shows that Shrewsbury town centre is not within the core catchment area. Nevertheless, no sites were identified within Shrewsbury town centre or elsewhere that were sequentially preferable. The application site therefore passes the sequential test.
- 6.1.14 The proposals are therefore considered to comply with Policy CS15 of the Core Strategy, Policies MD10a and MD10b of the SAMDev Plan and paragraphs 89 and 90 of the NPPF.
- 6.1.15 The loss of an allocated employment site that is intended to provide an important focus for investment in the town and a significant number of jobs is obviously a concern. However, the Council has a reservoir of employment sites which it freely acknowledges will not all come forward for employment development as the market will ultimately dictate which sites are considered most attractive. The planning statement, at Chapter 8.4, clearly states that the site has been marketed for several years with little or no interest in terms of employment development. The last application on the site included a hotel, a pub/restaurant, a coffee shop and trade counter units. This was a speculative application with no identified end users this application was subsequently withdrawn.
- 6.1.16 Aldi's existing store also sits within an established employment area. To negate any

potential loss of employment land, Aldi has agreed to enter into a s106 Unilateral Undertaking whereby the existing site will be marketed for a period of up to ten years for industrial/warehouse uses only. The site is suitable for industrial/warehouse uses being compatible with neighbouring uses.

- 6.1.17 The Planning Statement addresses Policy MD4 part b and is clear that it meets the criteria. There are no other suitable development sites for the proposal, and this is confirmed as part of the sequential test. The development itself will provide employment opportunities along with other benefits for the sustainability of the community. The proposal will retain existing staff and relocate them to the new site, plus addition of at least 15 or more staff. The unilateral undertaking will ensure that new employment will be created by the sale of the Arlington Way store for industrial use. The proposal will contribute to a sustainable community by creating a high-quality improved supermarket offer.
- 6.1.18 The development will not adversely affect the range and choice of employment sites in terms of location, quality, type and size. – The land swap as per the unilateral undertaking will secure this by not affecting the range of choice. Given the site has been marketed for several years there is no harm in this regard. Furthermore, the application site has a number of constraints, therefore a dense industrial development would not be suitable for the site. Constraints include a footpath through the site which Aldi will maintain and indeed reopen, a veteran tree, a pylon and protection of areas of higher quality grassland. Furthermore, an industrial scheme would require 24/7 activities which would raise amenity issues in relation to nearby residential properties which acts as a deterrent to potential future users. Given the low level of employment interest associated with the Site in recent years, the Site will exhibit an enhanced level of employment if it is used for the proposed development. The Economic Growth Service has advised that the Lichfield Economic Development Needs Assessment study has indicated that there is an over-provision of employment land.
- 6.1.19 Clearly, the changes to the Use Classes Order in September 2020, mean that retail and light industrial are now grouped together under Use Class E and as such it is considered that it is likely to be much more difficult to control retail uses on employment land than in the past. This is particularly true on existing developed sites which have a Class E use. Therefore, the exclusive marketing period is seen as a significant opportunity to test the market in terms of attracting other types of employment to the site, besides retail as it provides a sustained period of exclusivity in relation to the marketing of the current site.
- 6.1.20 The revised NPPF (July 2021) is explicit at paragraph 54 that planning conditions should not be used to restrict permitted development rights unless there is clear justification for doing so. Paragraph 55 continues that planning obligations can be used to make otherwise unacceptable development acceptable, and it is considered expedient in this case to facilitate the allocation swap through a S.106 agreement to secure employment uses on the current site, given the changes enacted in the recent changes to the use classes order. The planning obligation applied in protecting the future use of the existing site at Arlington Way for a ten-year period, and the evidence presented that the application site is not expected to come forward for employment use (B2/B8) as set out by the applicant is accepted.

The proposal therefore complies with the criteria set out in Policy MD4 part b.

6.2 Siting, scale and design of structure

6.2.1 The site is situated to the south east of the Historic Battlefield and as such any proposals to develop the site need to be considered in the context of the battlefield and the impact they will have in terms of views and the appreciation of the battlefield site as a heritage asset.

6.2.2 The store building will be located towards the rear of the site towards the A49. It is a single storey structure so height wise it will not be particularly prominent in the context of the site.

6.2.3 Signage to the site is likely to be closer to the battlefield being situated around the site entrance on Battlefield Road and towards the roundabout.

6.3 Visual impact and landscaping

6.3.1 The perimeter of the site is surrounded by mature landscaping, which acts as a screen to inner development area. Part of this is in the ownership of the Council as Highway Authority and this has recently been cut back. The proposals for the site envisage existing landscape being bolstered and better managed than in the past.

6.3.2 Landscaping is likely to be a key component of the development and provide important mitigation in relation to the how the proposals impact on the interpretation of the historic battlefield in the future.

6.3.3 Significant consideration has been given to the landscaping around the periphery of the site and the visual impact of the development on the wider landscape. There is a delicate balancing act between mitigating the impact of the development on the historic battlefield, whilst accepting that the applicant will require a degree of visibility to allow customers to easily locate the store and its access. It is considered that the scheme now achieves the right balance between the applicants needs and the requirement to minimise impacts on the wider landscape setting.

6.4 Residential Amenity

6.4.1 There are a number of residential properties that back onto the site that front Battlefield Road. The site is an allocated employment site and as such the principal of its future development has already been established through the development plan process. Mitigation of any impacts arising from the proposed store however are of paramount importance to protect the amenities of existing residents from any noise and disturbance which may arise as a result of development.

6.4.2 Clearly, late night and early morning activity associated with deliveries is a primary source of concern and as such it is proposed to limit deliveries to between the hours of 0600 to 2300 with a condition that delivery vehicles are not on site outside of these hours.

6.4.3 The boundary of the site with adjoining residential properties along Battlefield Road will also be provided with an acoustic fence to further reduce noise and disturbance from activity on the site and in front of this will be a planted buffer zone.

- 6.4.5 The light pollution has been raised as an issue, but it is not considered that on site lighting will have an unacceptable impact on adjoining neighbours as there is a considerable distance between the backs of residential properties and the car parking and service area. A condition requiring a lighting plan is however recommended but this is in relation to ecology matters.
- 6.5 Highways and Transportation
- 6.5.1 The site will be accessed from Battlefield Road with a left-hand filter lane for traffic entering the site from the north (Battlefield Roundabout) and a right-hand turn lane being created on Battlefield Road for those coming from a southerly direction. The egress from the site will consist of two lanes, one for vehicles turning left out of the site and heading south with the other for traffic turning right and heading north. This should minimise delays for vehicles leaving the site as traffic heading south will not be held up queuing behind vehicles turning right out of the site. An exit only has also been added to the A49 which will reduce the need for right hand turns out of the site on Battlefield Road.
- 6.5.2 Traffic queuing back from Battlefield Roundabout on the carriageway heading north is a particular concern, especially with the introduction of a right-hand filter lane for traffic entering the site from the south. Vehicles exiting the side and turning right to head towards the roundabout will have to traverse the south bound lane on Battlefield Road and then negotiate the right-hand filter lane for traffic turning into the site to join the carriageway heading north into the roundabout. The introduction of an additional site egress onto the A49 should considerably reduce the need to make this manoeuvre.
- 6.5.3 This potentially could create some conflict in relation to highway safety as drivers may find it difficult to exit the site in a northerly direction which in turn could lead to frustration resulting in vehicular manoeuvres which may put other road users at risk. As a result of these concerns the applicant has been requested to provide a Safety Audit of the access and egress to the site.
- 6.5.4 Whilst, it is acknowledged that queuing already takes places along Battlefield Road at peak times, experience of how other Aldi stores operate in the county suggests that customers will adjust their shopping habit to avoid peak periods and whilst there may be increases in traffic these will not meet the NPPF threshold of 'severe' so as to justify a refusal on highway grounds.
- 6.5.5 The site is located on a main arterial route into Shrewsbury(A5112/A49). The 511 bus stops at the Red Lion bus stop and operates hourly. Other bus services operating in the locality include the 519, 64 and the BLU park and ride bus service. Public Transport by bus is within the 400m distance as required by transport policies and is accessible. Furthermore, the site is accessible by foot and much improved cycle facilities, with an existing designated cycle way sitting on the site edge.
- 6.6 Ecology
- 6.6.1 The site contains a veteran tree in the centre of the site which is to be retained to form a focal point within the development. There is a mature landscape buffer around the perimeter of the site. It is considered that any adverse impacts arising

from the proposals can be adequately mitigated against by the imposition of appropriate conditions.

6.7 Historic Environment

- 6.7.1 The Council is required to pay special attention to the desirability of preserving or enhancing the significance of any relevant heritage assets. In this regard, the Council must apply the policy approach set out in Section 16 of the NPPF and policies CS6, CS17, MD2 and MD13 of the Local Plan.
- 6.7.2 The significance of the relevant heritage assets and the contribution which the application site makes to that significance (by setting) is identified above and has been set out in the submitted Heritage Statement (prepared by JLL) and Archaeological Desk Based Assessment by Bear Archaeology (November 2021). Views from within the Battlefield have also been considered within the submitted Landscape and Visual Impact Assessment.
- 6.7.3 Notwithstanding the fact that the site is allocated for future development, it is also important that any development that takes place is sympathetic to its surroundings and has regard to its context in relation to the Registered Battlefield and its appreciation/interpretation. In this regard, the proposals would be partially visible from within the Battlefield. This visibility has been minimised through the siting of the store at the rear of the site and through suitable landscape screening.
- 6.7.4 Views to and from the battlefield are an important consideration, and these have been assessed in the Applicant's Heritage Statement and the submitted Landscape and Visual Impact Assessment and carefully considered by Officers. It is concluded that there would be a small element of harm to the Battlefield arising from the proposals which, for the purposes of the NPPF, would be 'less than substantial' and at the very lower end of the scale. According to paragraph 202 of the NPPF, a balanced judgement is required which takes into account the public benefits of the proposals.
- 6.7.5 In this regard, it must be noted that the site has been allocated for development within the local plan for development and there is specific local plan support for this development in this location.
- 6.7.6 The harm to the Battlefield has therefore been minimised through design and landscaping. Whilst there would be an element of harm to the significance of the Registered Battlefield, this would be 'less than substantial' and at the very lower end of the scale. Paragraph 202 allows for this harm to be balanced against the public benefits of the proposals.
- 6.7.7 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight is to be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 6.7.8 The public interest benefits of the proposal are:
- the delivery of the proposed food store would ensure the continued provision of a discount food store providing good quality food at low prices within the

catchment of the existing Aldi food store;

- there are no alternative sites to deliver a new fit for purpose store in the locality
- the proposal will therefore allow for a high quality, fit for purpose food store which meets customer expectations unlike the existing store;
- the site is an allocated development site and will deliver a low-density scheme unlike an industrial or logistics scheme which would require high bay buildings and 24/7 operations which would be less in keeping with the nearby residential properties.
- the existing Aldi food store at Arlington Way would be marketed for employment uses that would contribute to the employment land supply within the locality.
- the proposal will deliver a sustainable store achieving 100% of its heating from on-site reusable energy; and
- the proposal will provide significant employment benefits in that it will retain existing jobs, create new jobs within the new store and create new jobs within the existing Aldi site by virtue of selling or leasing it for an employment end user.

6.7.9 Even applying great weight to the conservation of the Battlefield's significance on the basis of the approach required by the NPPF paragraph 199, Officers consider that the very low level of 'less than substantial' harm that would be caused to the significance of the Registered Battlefield is outweighed by the public benefits of the application proposals.

6.7.10 Officers agree with the assessment contained in the Heritage Statement submitted by the Applicant that the proposals will preserve the significance (by virtue of change within the setting) of the nearby heritage assets: The Battle of Shrewsbury Registered Battlefield, Church of St Mary of Magdalene (grade II*), College of St Mary of Magdalene Scheduled Ancient Monument. Their significance will be preserved.

6.7.11 Accordingly, it is concluded that the proposed development accords with national planning policy relating to the conservation of heritage assets. It is considered that the proposals are acceptable and do not give rise to any conflict with NPPF or policies CS6, CS17, MD2 or MD13 of the development plan.

6.7.12 Following on from the comments received from the County Archaeologist, the applicant has subsequently submitted a programme of archaeological works, which have been agreed and this will be conditioned as part of any approval granted.

6.8 Economic Development and Employment

6.8.1 The site is allocated for employment uses in the development plan which at the time the plan was adopted consisted of Class B1 (offices, light industrial and research & development), Class B2 (general industrial) and Class B8 (Storage and Distribution). With changes to the Use Classes introduced in September 2020, Class B1 uses have been subsumed into the new Class E which includes a much wider set of uses including retail (formerly Class A1).

6.8.2 The ability to protect employment sites from other uses within Class E which might

previously have been deemed contrary to planning policy has been significantly undermined by these changes to the Use Classes Order and as such the fact that the applicant is prepared to enter into a Unilateral Undertaking in relation to the marketing of their existing site for an exclusive period for uses formerly classed as employment uses is seen as a positive step in terms of safeguarding sufficient employment land to meet future need in Shrewsbury.

- 6.8.3 The applicant states that a new Aldi stores generally employ circa 40 staff comprising full-time and part-time positions. The proposal is for a relocation and therefore intends to retain and relocate all existing staff from it's Arlington Way store and recruit a further ten additional staff to the new store from the local area.
- 6.8.4 Aldi operates successful apprentice schemes and graduate programmes in the UK. Apprentices are trained to work in all parts of the business including at store, distribution, logistics and management level, as well as progression through to the Store Management Team. The graduate scheme secures an annual intake for the Area Management Programme. Trainee Area Managers spend a year shadowing an Area Manager before they take on three to four stores of their own to manage. The training covers the entire spectrum of running a retail operation and is a UK-wide programme.
- 6.8.5 The construction of a new store requires the services of local building trade contractors which provides employment opportunities during the build-out period. Further employment opportunities also exist for the ongoing maintenance of the site and landscaping.
- 6.8.6 Whilst concern has been expressed at the delivery of employment opportunities as a result of the existing store relocating, there will be an increase in employment opportunities arising from the development. The same also applies to the future reuse or redevelopment of the existing store site.
- 6.8.7 The proposed legal agreement which will be attached to any consent granted means that the existing site will be marketed for an exclusive 10-year period for specified employment uses. The intention of the s106 unilateral undertaking is to ensure that the Arlington Way site is retained for employment use. Aldi has already begun soft market testing and will formally market the site for employment uses following grant of planning permission. Aldi has no intention of trading from the existing store and considers the UU will provide compensation for the loss of employment site at Battlefield Road.
- 6.9 Drainage
- 6.9.1 The LLFA are comfortable with the submitted drainage scheme for the proposed development and have requested a condition securing its implementation prior to the use commencing.
- 7.0 CONCLUSION
- 7.1 The site is allocated for employment uses within the Development Plan. The proposal is for a retail food store on the site. Policy MD4 allows for a flexible approach to uses on designated employment sites where this is justified. The applicants have provided a compelling case to justify the relocation of their store to

this site whilst offering their existing site to the market for employment purposes only for an extended period. The increase in floor area is not considered to be significant being below 500sqm when compared to the existing store floor area.

- 7.2 In terms of this particular site, the applicant has offered to enter into a legal agreement with the Council in relation to the future marketing of their existing site exclusively for employment purposes for a set time period subject to planning permission being granted. This will mean that the existing Aldi site at Arlington Way will only be marketed for certain specified uses within Class E which will specifically exclude retail amongst other uses. Therefore, this will ensure there is no loss of employment land as effectively the designation of the two sites will be swapped.
- 7.3 The other major consideration in relation to the development of this site relates to the impact of the proposals on the setting and interpretation of the historic battlefield. Careful consideration has been given to this issue throughout the application process, however it also needs to be remembered that this is an allocated development site in the local plan. Therefore, the principle of the future development of the site is already established and this application is primarily concerned with its form. It is considered that the proposals incorporate sufficient mitigation to ensure that any perceived harm to the heritage assets are offset by the benefits of the scheme.
- 7.4 The proximity of the site to the Battlefield Roundabout has been a source of some concern particularly in relation to impacts on peak time traffic flows. However, the NPPF is clear that development should only be refused on highways grounds where the impacts are 'severe' and the highway authority are satisfied that given this is an allocated employment site that the network can cope satisfactorily accommodate the development. The Highway Authority are therefore of the opinion that a highways objection to the development is unsustainable.
- 7.5 The applicant has requested that no pre-commencement conditions be attached to any planning permission granted as they are looking to make an immediate start on site once the decision is issued. As any approval will be subject to a planning obligation in relation to the marketing of the existing site for employment purposes it is considered that in the intervening period between the Committee decision and the signing of the legal agreement the applicant can use this period to submit the information required under the pre-commencement conditions and these can then be substituted for compliance conditions on the decision notice thus negating the need for pre-commencement conditions in line with the applicants wishes.
- 7.6 The offer of a S.106 Agreement to secure a 10-year exclusivity period for marketing the current site for employment uses only is considered to be positive trade off in terms of the site allocation as this will allow the markets appetite to be thoroughly tested without the distraction of other higher value uses driving up the value of the existing site to levels where it is no longer sustainable for employment uses. The applicants have also agreed to the imposition of planning conditions restricting the use of the site to Class E(a) Food Retail Store with a maximum sales area of 1,332 sqm.
- 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:

National Planning Policy Framework

CS1 - Strategic Approach

CS2 - Shrewsbury Development Strategy

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS14 - Managed Release of Employment Land

CS15 - Town and Rural Centres

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD4 - Managing Employment Development

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S16 - Shrewsbury

SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY: _

PREAPP/18/00368 Outline application for employment units (B1/B8), car showroom (Sui Generis) and coffee drive through (A4) with all matters reserved except access PREAIP 31st August 2018

PREAPP/20/00051 Mixed commercial development to include 4 buildings (A: restaurant with bar 650sqm, B: coffee drive thru 168sqm, C: 80-bed hotel and D: sui generis use 929sqm)

PREAMD 5th March 2020

20/02631/FUL Mixed commercial development comprising industrial building (B1c, B8) with trade counter uses; 80-bed hotel; restaurant and bar; coffee shop with drive-through facility; associated access, parking, drainage and landscaping scheme to include diversion of public right of way WDN 10th March 2021

PREAPP/20/00478 Erection of a new foodstore, car parking, access, landscaping and a substation PREAMD 13th November 2020

21/01374/FUL Erection of a new foodstore, associated car parking, access, landscaping and a substation GRANT 12th October 2021

21/04985/ADV Erect and display 5No internally illuminated fascia signs, 1No vinyl sign, 1No internally illuminated directional sign and 2No internally illuminated totem signs GRANT 21st December 2021

21/05200/VAR Variation of Condition No.2 (approved plans) attached to planning permission

21/01374/FUL dated 12/10/2021 WDN 15th November 2021

21/05804/FUL Erection of a foodstore (Use Class E), substation, access, associated car parking and landscaping PDE

11. Additional Information

[View details online:](#)

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

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

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

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

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

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

3. The programme of archaeological work for the development approved by this permission shall be carried on in complete accordance with the Written Scheme of Investigation by Bear Archaeology dated August 2021.

Reason: The site is known to hold archaeological interest.

4. All new services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, all measures should be applied in accordance with the approved detailed method statement and task specific tree protection plan by ACS Consulting.

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

5. The development shall be carried out in accordance with the details contained in Construction Traffic Management Plan (CTMP) Version 0 (Submitted 14 December 2021) and the Construction Management Plan (CMP) Version 1 (Dated August 2021) and shall be adhered to throughout the duration of the construction period.

Reason: In the interests of highway safety and to protect local amenity.

6. No construction works shall take place before 8 am on weekdays and 8 am on Saturdays nor after 6 pm on weekdays and 1 pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. No more than two weeks prior to the commencement of development, an appropriately qualified and experienced ecologist shall undertake an inspection of the cavity of tree 2 for the presence of nesting barn owl. Within one week of undertaking the check, a brief notification to the Local Planning Authority of the results of the pre-commencement check for barn owl shall be submitted including details of any required mitigation in the light of the check. This should include a implementation timetable for any proposed mitigation identified.

Reason: To protect barn owl, a Schedule 1 species (W&C Act).

8. Prior to the commencement of the development a suitably qualified Arborist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted ACS arboricultural method statement. The commission shall also include for the supervision of scrub clearance in the root protection areas of the veteran tree. On completion of the works and prior to occupation a satisfactory completion statement should be submitted to the LPA to demonstrate compliance with the approved tree protection measures.

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

9. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the ACS Tree Protection Plan Arb/4261Y/300 and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

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

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

10. The proposed surface and foul water drainage schemes shall be installed in accordance with the approved drainage plan and details submitted on 14 December 2021 prior to the first use.

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

11. Watering of new trees shall be carried out as follows: Trees shall be watered in with 25 litres each and then a further 25 litres every week during dry periods during the first 12 months of establishment Any trees or plants that, within a period of five years after planting, are removed die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

12. Any arboricultural works to T2 (oak) shall be undertaken in accordance with section 7 of the Bat and Barn Owl Survey of Tree report dated June 2021 by CES.

Reason: To protect bats, European protected species.

13. Prior to the first use of the development, a nest box suitable for use by stock dove, shall be erected on tree 2 (as per the AMS). The box shall be sited at least 2m from the ground on a suitable tree on a northerly or shaded east/west aspect 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.

14. Prior to the development hereby permitted being brought into use/open to trading, the access/egress onto Battlefield Road and egress onto the A49 shall be laid out and constructed in accordance with the approved plans and in accordance with full engineering details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory access to the site in the interests of highway safety.

15. Prior to the development hereby permitted being brought into use/open to trading, the internal access roads, car parking and servicing areas shall be fully laid out and constructed in accordance with the approved plans.

Reason: To ensure an adequate provision of on-site car parking and servicing arrangements to serve the development.

16. Within three months of the store opening for trading, a Travel Plan shall be implemented in accordance with details to be first submitted to and approved in writing by the Local Planning Authority; thereafter the Travel Plan shall remain in force for the lifetime of the development.

Reason: To reduce carbon emission and promote active travel and health benefits.

17. Prior to the first use/opening of the site a lighting scheme for the site shall be submitted and approved in writing by the local planning authority. The approved lighting plan shall thereafter be adhered to at all times.

Reason: In the interests of residential amenity and to protect the ecological networks.

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

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

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

19. The net sales floor area of the food store hereby approved shall not exceed 1,332 square metres. No more than 20% (266 square metres) of the net sales floor area of the store shall be used for the sales of comparison goods. Comparison goods are defined within the COICOP categories for the following goods:

- Clothing materials & garments
- Shoes & other footwear
- Materials for maintenance & repair of dwellings
- Furniture & furnishings
- Carpets & other floor coverings
- Household textiles
- Major household appliances, whether electric or not
- Small electric household appliances
- Tools & miscellaneous accessories
- Glassware, tableware & household utensils
- Medical goods & other pharmaceutical products
- Therapeutic appliances & equipment
- Bicycles
- Recording media
- Games, toys & hobbies
- Sport & camping equipment
- Musical instruments
- Gardens, plants & flowers,
- Pets & related products
- Books & stationery
- Audio-visual, photographic and information processing equipment,
- Appliances for personal care, jewellery, watches & clocks
- Other personal effects.

Reason: To maintain planning control over the type of goods sold from the store and hence the vitality and viability of Shrewsbury town centre.

20. The use of the premises shall be restricted solely to Use Class E(a) food store and shall not be used for any other use within Use Class E.

Reason: For the avoidance of doubt.

21. No Deliveries vehicles shall be present on site outside of the hours of 0600 - 2300 daily.
Reason : In the interests of residential amenity.

22. The premises shall not be open for customers and no customers shall remain on the premises outside the following hours: -
[0800 - 2200], Mondays - Saturdays and [0930 - 1630] Sundays.

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

-



<u>Committee and Date</u>
Northern Planning Committee
1 st March 2022

<u>Item</u>
Public

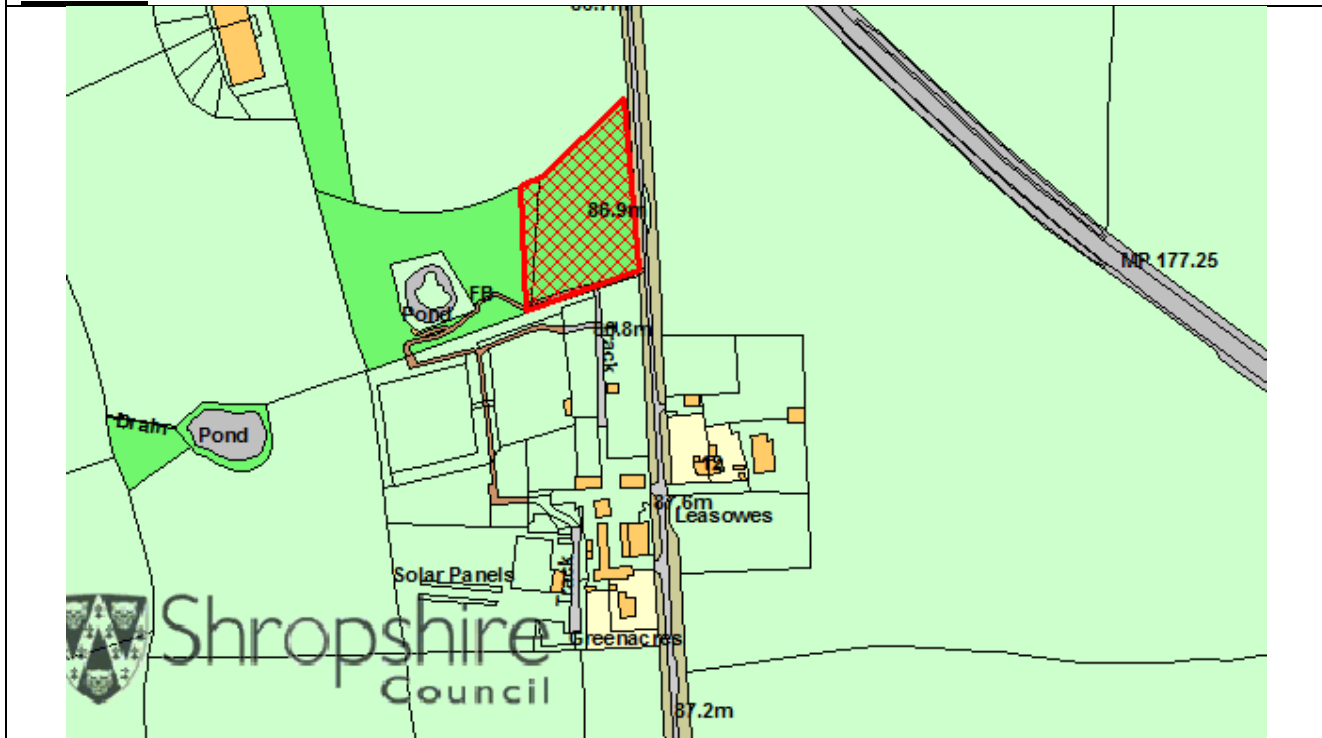
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/04211/FUL	Parish: Baschurch
Proposal: Erection of a supported living development for adults with learning disabilities. To comprise a single storey building to provide 8 dwellings along with communal areas and staff facilities, car parking and landscaping.	
Site Address: Greenacres Rural Training Centre Fenemere Lane Fenemere Baschurch SY4 2JA	
Applicant: Tanya Miles- Adult Services, Shropshire Council	
Case Officer: Mark Perry	email : mark.perry@shropshire.gov.uk

Grid Ref: 344878 - 320379



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant entering into a S106/ MOU.

REPORT

1.0 THE PROPOSAL

1.1 The submitted application is seeking planning permission for the erection of 2 single storey blocks which will provide 8 apartments for occupation by adults with learning difficulties, one further apartment which will be occupied as staff accommodation and a section of the build which will provide a lounge and laundry room. The two blocks will sit either side of a courtyard which will be landscaped for use by the residents.

2.0 SITE LOCATION/DESCRIPTION

2.1 Greenacres Farm is located off Fenemere Lane, Walford Heath. The surrounding area is predominantly used for agriculture which includes a poultry shed to the northwest. To the south there is another farm and there are 2 residential properties to the east. The nearest settlements are Bomere Heath and Baschurch which are around 2.7km away, measured as the crow flies, to the southeast and northwest respectively. The centre of Shrewsbury is 8.7km to the south. For the purposes of planning policy, the site is located in the open countryside and not within or adjoining a recognised settlement.

2.2 The farm site has approximately 6.5 hectares of land 2.4 leased out for agricultural use. The remainder of the land is used by the day service in connection with running the farm (i.e. farm buildings, grazing, greenhouses, etc.).

2.3 The farm is owned and run by Shropshire Council providing a day service to adults with learning disabilities. Attendees get involved with a range of activities which include:

- Care of the farm animals (pigs, sheep and chickens).
- Day-to-day running of the site.
- Growing fruit and vegetables.
- Sorting and packaging of free-range eggs.
- Work in the commercial kitchen.
- Craft/woodwork.
- Casting concrete products (e.g. edging kerb, decorative slabs, garden pots, etc.).
- Providing items for sale in the farm shop e.g. vegetables, jams and chutneys, craft items, etc.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development, which is for the construction of supported living accommodation is a complex application which in consultation with the committee vice chairman should be determined by the Planning Committee in accordance with part 8 of the Council's Constitution.

4.0 Community Representations

4.1 Parish Council- Neither objecting to or support.

Baschurch Parish Council does not raise any material objections to the proposed development and submits a "neutral" response, but request that the following points be considered and incorporated into the scheme:

- As detailed in the planning application, a new (additional) bus stop will be required at the end of the road to help to improve accessibility to the site for staff and residents.
- Additional passing places be installed along the highway. The road is long, narrow and straight and without the addition of passing places, vehicles will be more likely to travel at higher speed to clear the road quickly for other road users.
- That a mandatory, enforceable speed limit of at least 40mph, but ideally 30mph be introduced along that road to protect the safety of pedestrians, residents and all other road user.
- That the access point opposite the residential properties be reviewed. Plans show this being converted into a passing place, with bollards to narrow the road. Whilst it is appreciated that bollards could help to reduce speed along the road, the bollards will reduce the accessibility of the residential access opposite, which must be avoided.
- That a formal liaison group be formed. The make up of the group will need to include staff and service users of Greenacres Farm, the Local Member, representatives of the Parish Council and nearby residents; the Local Member shall be the arbiter of how the group is constituted. Meetings should be held quarterly as a minimum and the remit of the group shall be to monitor and discuss issues, improve community engagement and to provide opportunity for all parties to be kept informed about the operation of Greenacres Farm, including the supported living facility. It is requested that the liaison group be formally enforced via S106 or similar to ensure the obligation is met.

Planning officers should note that the above points were discussed in open forum with the applicants in attendance. The applicants committed to revisiting the above points and there was agreement from all parties that a formal liaison group should be mandated.

Baschurch Parish Council is still very concerned about the isolated nature of the development and have genuine reservations about whether this is the correct location for this type of residential facility. However, it is appreciated that this is not a material matter that the Parish Council could raise an objection to.

Baschurch Parish Council do ask all stakeholders to please be exceptionally certain that the scheme delivers everything that is promised in the "vision" and that the residential facility is a safe place for vulnerable adults to live.

Consultee Comment

4.2 Drainage- No objection subject to drainage details being conditioned.

4.3 Archaeology- no comments to make.

4.4 Affordable Housing- As this is a scheme of 100% affordable dwellings it is exempt from any contributions for affordable homes. There is an identified need for this type of accommodation across Shropshire and supported housing is in

very limited supply especially where the accommodation has such an established support and service package surrounding it.

4.5 Ecology- no objection subject to conditions.

4.6 Highways- no objection subject to conditions.

The proposal is to develop a supported living 8 apartment unit and is located adjacent to Greenacres Farm, which provides a day service for adults with learning difficulties. The proposal therefore is complementary to the current established Shropshire Council run facility, as it would allow residents of the new development to benefit also from the Greenacres Farm range of facilities.

Whilst noting the comments of the Parish Council regarding highways matters, a classified traffic count has been carried out along Fenemere Lane, which indicates the traffic flow is relatively light. In addition the traffic count also provides 85th percentile vehicle speeds, which are at or below 40 mph. Given the excellent forward visibility for drivers travelling along the lane, the measured vehicle speeds are not a substantive cause for concern. Moreover, in light of the measured vehicle speeds taken it is considered that the introduction of a speed limit, as requested by the Parish Council, is not warranted.

There are adequate passing places along the route to the site from the southerly direction, where it is anticipated the traffic will gravitate to and from the site.

Based upon the Design & Access Statement and Transport Statement it is clear that traffic movements to the site will increase. I am satisfied however that these additional movements can be accommodated on the local highway network.

Again based upon the supporting information, I am satisfied that adequate parking is being made available and it would appear that additional parking is to be provided within the adjacent Greenacres complex in order to mitigate existing parking within the layby area along the frontage of Greenacres.

The Transport Statement includes proposed mitigation measures along the layby frontage of Greenacres. This essentially seeks to formalise a passing place and better define the 2 existing access points. Whilst I am supportive, in principle, of the measures shown I consider that these need further thought. In addition I would not be supportive of the proposed wooden bollards which could in fact cause a traffic safety hazard by introducing obstructions within the highway limits and particularly as the road is unlit. There are other cost effective measures that could have the same desired effect. I am satisfied however that this element can be dealt with by planning condition and I would be content to work with the applicant to resolve this element of the scheme.

4.7 **Public Comments**

Representations received from 10 addresses, 5 in support and 4 objections, commenting on the following issues:

Object

Unaware of community engagement
 Inappropriate location.
 Not the right location for this kind of development
 Increased traffic
 Conflict with other road users
 Lane is used by local residents for recreation
 No amenities in Walford Heath or Old Woods
 Limited public transport
 Reliance on car and minibus
 Impact on neighbours
 Proposal amounts to new build dwellings in open countryside
 Isolated location contrary to CS11
 Large scale development in relation to existing residential uses.
 Proposed community will not interact with existing community.
 Staff, visitors, service providers would access site by car. Alternative forms of transport are limited.
 No road improvements are proposed.
 Size and scale of building too large for location
 Proposed materials and colours highly visible.
 No details of lighting provided in application.
 Light pollution in dark rural area.
 Loss of ecology
 Potential for future expansion.
 Occupation must be limited to residents from Shropshire
 Request community liaison group is set up.
 Unlit roads with no pavements
 Impact on drainage of surrounding land
 Only selected site as it is owned by Shropshire Council.
 Site in town or village would be more appropriate
 Failed to demonstrate that the proposed development must be located at the proposed rural location.
 Does not meet criteria set out in CS5.
 Undermine the objective of Core Strategy Policy CS5, which is to maintain and enhance countryside vitality and character.
 Contrary to CS6 due to traffic generation and difficult to access by foot, bicycle or public transport.
 CS11 requires evidence of a local need which has not been provided.
 No details of where in the county the need is.
 No evidence of alternative sites having been considered.
 SPD requires site to be adjacent or within named settlement- which it isn't.
 An urban location would be more appropriate.

Support

Needed to young adults can be near family
 Current impact on families
 Proposal will develop a community
 Young adults with complex needs.
 Will create safe, calm environment.
 Necessity to the SEN community
 Residents will not be equipped to use public transport or local amenities

Closely associated with existing day care facility.
 Very little available in Shropshire for young people.
 Out of County placements distressing for young people and their families.
 Greenacres already an excellent facility
 Urban environment would be inappropriate.
 Opportunity to thrive in open spaces with access to animals and nature
 Minimal impact especially as it is already operating as a day centre.

5.0 THE MAIN ISSUES

Principle of development
 Need
 Siting, scale and design of structures
 Visual impact and landscaping
 Highway Safety
 Ecology
 Impact on Neighbours
 Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The National Planning Policy Framework constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 Para 78 of the NPPF relates to rural housing stating the planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Supporting opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. Para 80 of the NPPF states that decisions should avoid the development of isolated homes in the countryside unless special circumstances apply including rural workers dwellings, the use of or to secure a heritage asset, subdivision or dwelling is of exceptional quality. Policy CS5 and MD7a further reflect the criteria of the NPPF in this respect.

6.1.3 Policy CS4 refers to the County's Community Hubs and Clusters which are identified in the SAMDev plan. The application site does not fall within any of the identified hubs or clusters and is classed as open countryside for the purposes of planning policy. Policy CS4 aims to focus private and public investment in the rural area into Community Hubs and Community Clusters and thereby making them more sustainable by providing facilities, economic development and housing mix for local needs, and ensuring development is of a scale that is appropriate to the settlement. The policy goes on to state how it does not allow development outside of these settlements unless it meets policy CS5.

- 6.1.4 Policy CS5 aims to strictly control new development in the countryside in accordance with national planning policies protecting the countryside. CS5 sets out the type of development that could be permitted in countryside locations and this includes:
- Small scale economic development, including farm diversification
 - Rural workers dwellings and other affordable housing to meet a local need
 - Agricultural development
 - Expansion of existing business
 - Conversions scheme for economic development
 - Tourism and recreations leisure uses.
 - Community uses
 - Conversions schemes to create dwellings

The above are all subject to further criteria regarding the location, justification and types of building concerned dependant on which exception applies.

- 6.1.5 As noted above, Shropshire Council are the applicants for this development. Under the Care Act 2014 the Council has a duty to promote wellbeing and to meet assessed needs of an individual. s.8 of the Act sets out how the Council may meet this need and it includes providing accommodation in a care home, providing care at home as well as providing a service itself. As such the Council has options as to how they meet this duty and in this instance has chosen to pursue a scheme to build its own facility and therefore the subject of this application.
- 6.1.6 The proposed development is a form of affordable housing with the applicant confirming in the supporting Design and Access Statement that, “Each of the eight apartments will be an independent dwelling which the resident will rent from a registered social landlord who will manage the facility on behalf of Shropshire Council”. As such, in broad terms the proposal will deliver one of the exceptions that is listed within policy CS5 although this is subject to the applicant being able to demonstrate the need and benefit for the development proposed. Policy CS5 also requires that development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate. As noted above there is further policy criteria to this which is set out in policy CS11. This is discussed later in the report, in particular with regards to the location of the development and the need for such a development.
- 6.1.7 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development. The policy also requires that proposals that are likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.

6.1.8 CS11 concerns the delivery of housing which will meet the diverse housing needs of the County both now and in the future. Within the wording of the policy it comments how the policy seeks to ensure that all housing developments are designed to be capable of adaptation to accommodate lifestyle changes, including the needs of the elderly and people with disabilities, and to achieve the Lifetime Homes standard. It also refers to supporting the provision of housing for vulnerable people and specialist housing provision, including nursing homes, residential and extra care facilities, in appropriate locations and where there is an identified need. Overall, the policy seeks to achieve an overall target of 33% local needs affordable housing from all sources for the first five years of the plan period, comprised of 20% social-rented and 13% intermediate affordable housing.

6.1.9 Supporting policy CS11 is the Type and Affordability of Housing SPD which sets out further details and supplements the Core Strategy's strategic objective 5 where it states,

“Provide for a mix of good quality, sustainable housing development of the right size, type, tenure and affordability to meet the housing needs and aspirations of all sections of the community, including provision for specialist needs and the elderly.”

The SPD recognises that provision has to be made for vulnerable groups who need either specialist accommodation or a setting where appropriate support can be provided.

6.1.10 Policy MD7a of the adopted SAMDev relates to the provision of housing in countryside locations, the policy further expands on policies CS5 and CS11 stating that, “Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements”.

6.1.11 As noted above, all of the adopted policies aim to put restrictions upon the open countryside, to ensure that the only housing development that is permitted is where it is needed to fulfil an identified need. The proposal is not to provide for the functional need of a business and neither is it to help contribute economically. The proposal is purely because the applicant advises that there is a proven need and because of its connections and association with the existing operations and activities that take place at Greenacres Farm.

6.2 Consideration of Need

6.2.1 Policy CS11 of the Core Strategy details how it will provide the required mix of housing, stating that it supports,
“the provision of housing for vulnerable people and specialist housing provision, including nursing homes, residential and extra care facilities, in appropriate locations and where there is an identified need”.

6.2.2 A further bullet point then goes on to state that it permits “exception schemes for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and Other Key Centres, Community Hubs, Community Clusters

and recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity”.

- 6.2.3 In considering the first point above the applicant has provided detailed information to show the current and predicted level of demand for the specialist accommodation for vulnerable people as proposed here.
- 6.2.4 The applicant advises that there is a gap in opportunities, particularly for those turning 18 and transitioning from childrens to adult services and individuals that have been in residential colleges and are coming to the end of their placements or other residential setting. At present, as a result of limited available and suitable provisions within Shropshire, there are 23 adults with a learning disability and 26 adults with mental health needs that have to reside out of the county; requiring friends and relatives to travel out of the county in order to visit them.
- 6.2.5 In addition to the above there are 69 individuals waiting for supported living accommodation to become available across the County. The applicant advises that there is a growing demand for this type of accommodation. From 2020 to 2040, the number of persons between the ages of 18 and 64 that are predicted to have a moderate or severe learning difficulty, and likely to be in receipt of services, is likely to increase from 1,011 to 1,060.
- 6.2.6 Figures have also been provided to show the number of people that have a moderate or severe learning difficulty that are being cared for by their parents. From 2020 to 2040 this is predicted to increase from 341 to 357.
- 6.2.7 The applicant has identified that there is a cohort of young individuals approaching the Council’s adult services scheme and wanting to plan and prepare for their futures which includes seeking suitable accommodation. At present this list comprises of 19 individuals that are considered suitable for the accommodation proposed as part of this application. At present 12 of these individuals, who have an average age of 18, are living outside of Shropshire. The applicant has stated that,
“Based on their current locations and their family addresses, we have calculated that there is an average 98- mile round trip for these individuals’ families in order to see their children”.
- 6.2.8 The applicant advises that currently there are 19 young people in Shropshire that are waiting for this type of accommodation so that they can lead positive, safe and fulfilled lives in Shropshire. Of these 19 young people, 7 are in fulltime residential education placements and are due to leave in the next 1 to 3 years. 7 are accommodated outside of Shropshire in residential care, and the remaining 5 are placed within Shropshire in services that do not allow them the level of independence and development that is needed.
- 6.2.9 It is considered that from the data provided, there is clearly already an under supply of accommodation in Shropshire that provides the level of care and supervision required by individuals with learning difficulties whilst also providing them with an appropriate level of independence. The consequence of this has

been that young adults have had to live out of the county or in accommodation which is not entirely suitable for their specific needs.

6.2.10 The data that has been provided shows that unless additional provision is made for suitable accommodation there will continue to be a shortfall given the growing number of individuals that are going to need such accommodation up until at least 2040.

6.2.11 It is considered by Officers that it has been adequately demonstrated that there is a need for the type of accommodation proposed. However, the fourth bullet point to policy CS11, refers to supporting the provision of housing for vulnerable people and specialist housing in appropriate locations and where there is an identified need, the appropriateness of location is discussed below.

6.3 Location of Development

6.3.1 On the basis of the information that has been submitted by the applicant, it is clear that there is a county wide need for such accommodation. The applicant has stated that the families of the vulnerable adults identified do live in the south, central and northern parts of Shropshire. Depending upon the precise location that a family lives it could still result in substantial distances to travel from the family home to visit. For instance, Ludlow in the south of the county is some 46km from the application site and the surrounding rural hinterland could be further away still.

6.3.2 However, the application site is located centrally in the northern part of the County. Within a 26km radius of the application site there is Shrewsbury and the market towns of Oswestry, Ellesmere, Wem, Whitchurch, Market Drayton and Much Wenlock meaning that the accommodation will be within a reasonable distance of a large number of Shropshire residents. With the objective that families will not need to travel the substantial distances they do at present as a consequence of vulnerable adults having to be placed in accommodated outside of the County. As noted above, for the emerging cohort this would be an average roundtrip of 98 miles (157km) for families.

6.3.3 It is fully recognised that the County's administrative boundaries do not determine which locations are or are not more easily accessible to residents and there will continue to be some circumstances where specialist accommodation in a neighbouring county will be better in terms of travelling times for families. However, local adopted planning policy and decision making can only seek to improve the type and location of specialist housing for the residents of Shropshire, therefore the location of the proposed scheme must be considered on the basis of those residents.

6.3.4 A key driver behind the location of the proposed development, is the rural location and the presence of the existing facilities at Greenacres Farm.

6.3.5 It is noted that the applicant advises that they have commissioned over 100 supported living schemes across the county and that these have been in both rural and urban areas and that the Greenacres site provides opportunities that do not currently exist in other developments.

- 6.3.6 The applicant states that,
“The young people who would benefit from the provision at Greenacres have all been assessed by the Local Authority as benefitting from a rural location. This is down to a number of factors, including aversion to crowds of people, becoming distressed by noise (this could be constant noise e.g., traffic or unpredictable noise e.g., sirens) and their need for safe, outdoor space that they can use for emotional regulations” and that “This will support the individuals to increase their confidence in living more independently and provide them with opportunities to explore activities and new challenges that they would not have the confidence to explore in an urban environment”
- 6.3.7 Officers recognise that whilst much of the general public may also prefer to live in a quite rural location, it is clear that such locations and conditions can provide a special benefit to the wellbeing of some people with learning difficulties when compared to an urban location.
- 6.3.8 The submitted Design and Access statement confirms that the, “interaction of the residential development and the day service was a major deciding factor in site selection”. The applicant confirms that the proposed accommodation should not be seen as an extension to the existing operation of the farm”. The proposed accommodation would be separate facilities, but there would be opportunities available at the day service that will be used by the future residents. The reason for this, according to the applicant, is because the day service is well established in its current arrangement and it was important that this was not adversely affected.
- 6.3.9 The applicant has provided details of how the existing day facility would interact with the those living in the proposed accommodation. The used farm facilities would vary in a range of ways depending upon their needs. Some would use the facilities daily, whilst others would benefit more from the facilities during the evenings and weekends when it is quieter. The young people would be supported to use the environment in a way that is productive and safe for them.
- 6.3.10 The farm offers a wide range of opportunities, it is likely that the majority of young people in this group would use the facilities. This may include utilising the cycle track for exercise, the outdoor gym facilities and the sensory garden, contributing to the care of the animals or taking part in enterprise activities. Some of these are opportunities that would not present themselves were their accommodation provided in a more urban location.
- 6.3.11 The proximity of the farm to the accommodation would give the young people the best opportunity to engage in meaningful activity allowing them to explore and develop skills to achieve qualifications which may lead to future vocational and / or employment opportunities. Living immediately adjacent to the site provides a greater opportunity than if they were living in an alternative location and needed to be transported to the day centre on set days.
- 6.3.12 As noted above the application site is not sited within or adjacent to a recognised settlement and is in a rural, open countryside location. The site does benefit from

a well-established and successful day service for disabled adults and it is this facility that the proposed development seeks to take advantage of for the benefit of the young people that will occupy the proposed accommodation.

6.3.13 It is considered by Officers that the applicant has adequately demonstrated that there are benefits for the young people to be gained from the rural setting of the site. This benefit is further enhanced because the proposed residents of the accommodation will have much greater and easier access to the facilities and activities that are already established and available at Greenacres Farm. It is considered that the cumulative benefits of a rural siting and access to facilities carries weight in support of the application, helping to outweigh policy conflict of CS5 and CS11 because it is not in a recognised named settlement.

6.3.14 It is noted that evidence has not been provided to show that there is not an identified local need for the type of accommodation proposed within the nearest community cluster of Walford Heath. However, the details and data that have been provided do show that there is County wide need for accommodation with there already been inadequate supply requiring young people with learning disabilities having to go out of the county to access the type of accommodation that is proposed in the application. The site's location within the heart of the countryside will provide the best opportunity for its access by the residents of Shropshire without the need for excessive travel which will help families to visit more frequently which is of benefit to those young people that would be living on the site. It is considered that the evidence and information provided has demonstrated why an urban location would not be suitable for some young people. The development proposed would meet the needs of a specific group of individuals where there would be benefits because of the quiet rural location. In this respect it is considered that it is in an appropriate location for this particular type of specialist housing and that there is an identified need; as required by policy CS11 of the Core Strategy.

6.3 Visual impact and landscaping

6.3.1 The proposed accommodation would be located to the northern side of the existing Greenacres Farm on an area of land that has been used to grow Christmas Trees. The area therefore contains a mix of young and mature conifer trees. The area has not been managed for a number of years, becoming overgrown.

6.3.2 The proposed siting will allow a close interaction between the farm and the accommodation with a pedestrian path linking the two elements. Vehicle access to the accommodation will be created through the roadside hedgerow into a parking area positioned in between the two blocks of accommodation and the frontage of the site.

6.3.3 The built development will comprise of two blocks parallel to one another and positioned perpendicular to the road. Each block will have a long-pitched roof with the gable facing the road. The two blocks will be joined together by a wall which encloses the communal courtyard area. Pedestrian doors will be incorporated into these walls to provide access from the car park and woodland/wildlife area to the west.

- 6.3.4 The scheme proposes that 6 of the apartments would be one bedroom and contain a bathroom and open plan living/ kitchen and dining area. The internal floor area would measure 70.1 sqm. The 2 x 2-bed units would have a similar layout of accommodation but would be larger with an internal floor area of 106 sqm. An area of staff accommodation is also proposed which would include a staff room for rest breaks, 2 bedrooms, toilets and a shower room. There would also be a communal lounge and kitchen which could be used for communal events or when more space is needed to accommodate visitors.
- 6.3.5 All of the apartments would benefit from their own garden in addition to the communal area at the centre of the development.
- 6.3.6 The development will be finished in a mix of render, brick, stone and timber cladding to the external walls under a slate tiled roof. The precise details of the proposed materials would be subject to a planning condition requiring details to be submitted for approval.
- 6.3.7 The proposed development will introduce new built development into the rural area. Policy CS5 requires development in rural areas to, “maintain and enhance countryside vitality and character”. The proposed development will be separated from the main complex of existing agricultural buildings by small grazing fields, planter beds and poly-tunnels. The nearest permanent agricultural building is around 100m from the edge of the application site. Whilst there is a reasonable distance of separation, it is considered that the development will be seen within the context and closely related to the neighbouring development on the farm where there is already an extensive range of buildings of varying forms and scales. As such, it is considered that the development will not appear to be isolated or sporadic. In addition, the scheme proposes the retention of a buffer of landscaping across the frontage of the site allowing the existing hedgerow to be retained; helping to filter any views of the buildings from the passing road.

6.4 Highway Safety

- 6.4.1 In support of the application a Transport Statement has been submitted for consideration. The roads immediately surrounding the site comprise predominantly of a rural single track road which provides access to a number of farms and rural dwellings; these are subject to the national speed limit. The section of road which passes to the front of the site (Fenemere Lane) is a straight section of road without the benefit of footpaths or street lighting; as is typical in the area. Around 460m to the south, this straight section of road then adjoins a wider section of rural road which after a further 195m it comes to the B5067 which is subject to a 40mph limited where it passes through Walford Heath. The B5067 leads towards Shrewsbury in a south-easterly direction and towards Baschurch to the north-west.
- 6.4.2 Data provided as part of the Transport Statement details that during a 7 day traffic count on Fenemere Lane the average speed of vehicles travelling along it was 29mph and an 85th percentile speed (Design Speed) of 39mph which is well below the indicated national speed limit in the vicinity of the site. The Statement also details that during the last 5 years no accidents occurred within 500m of the

site's access.

- 6.4.3 The closest bus stops to the site are the 'Nursery' and situated approximately 700m (a 9-minute walk) south of the site located either side of the B5067. This is on a route between Shrewsbury and Oswestry. The buses operate every hour between 6:45 am 6:30 pm. As such, given the times and frequency of the buses and the relatively short walk to the bus stop, it is considered that it is feasible for some staff to use public transport, although this is to some extent dependant on the timings of their shifts. Currently 7 members of staff work on the site and this will increase by 11 as a result of the development proposed.
- 6.4.4 Traffic surveys have been carried out on the site and the data is included with the Traffic Statement. It is noted that these surveys were carried out during the Covid 19 pandemic when the site was not being fully used by staff and visitors because of the site's reduced capacity. Taking this onto account and also taking into account those currently working on the refurbishment of the house figures for the future normal conditions at the Greenacres Farm have been generated which shows 44 two way vehicle movements per day.
- 6.4.5 The proposed development would increase this to 80 two way vehicle movements per day. These would be created by the maximum of 16 carers being on site at any one time, shift patterns (typically 0800 to 2200 and 2200 to 0800), carers and visitors leaving the site for appointments or days out, visits from family members or friends. The greatest impact would be during the peak AM hour where there would be between 40 and 42 two-way movements.
- 6.4.6 Given the short length of Fenemere Lane (500m) it is unlikely that vehicles travelling in different directions would meet one another post development. However, there are still opportunities to pass should vehicles meet and an additional passing place is proposed as part of the scheme; which will be secured by a planning condition.
- 6.4.7 Within the site provision of 31 car parking spaces would be provided. This is considered to be sufficient to accommodate the maximum of 1 or 2 carers per unit plus any additional visitors to the site.
- 6.4.8 The proposal and supporting information has been fully considered by the Council's Highways Officer who agree the additional movements can be safely accommodated on the local highway network. Consideration of the comments made by the Parish Council with regards to the introduction of a revised speed limited have been considered, however noting the recorded vehicle speeds on the lane at present, the imposition of a new speed limit would not be warranted. The Highways Officer also considered that the amount of proposed parking is adequate and that the mitigation to formalise a passing place and better define the 2 existing access points are adequate.

6.5 Ecology

- 6.5.1 Policies CS17 and MD12 set out how the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.

- 6.5.2 The application is accompanied by a Preliminary Ecological Assessment and an eDNA survey and a Bat and Reptile Survey. These documents have been assessed by the Council's Ecologist.
- 6.5.3 The eDNA testing carried out has confirmed that there are Great Crested Newts in both the on-site pond to the west of the application site and in a nearby drainage channel. As a consequence of the development proposed 0.2 hectare of good quality GCN habitat would be lost. The applicant's application has been accepted into the District Level Licensing scheme for GCNs which is run by Natural England for Shropshire Council; allowing, through a conservation payment so the impact on GCN can be adequately compensated.
- 6.5.4 Other impacts as a consequence of loss of habitat for general biodiversity must also be considered. Compensatory tree and shrub planting has been proposed along the southern part of the existing field; these works can be secured by an appropriate planning condition.
- 6.5.5 In addition, the existing pond where GCN have been recorded is proposed to undergo some tree and sediment removal to enhance the breeding habitat for amphibians as well as providing more open water, increasing the habitat diversity of the pond for general aquatic life. Four amphibian hibernacula are also proposed to be constructed in close proximity to the retained pond, utilising timber and other materials arising from any tree clearance.
- 6.5.6 It is considered that the proposal has been adequately assessed in terms of any harm cause to habitats and also incorporates adequate mitigation to address the adverse effect on habitat and protected species.

6.6 Impact on neighbours

- 6.6.1 As noted above there are a small number of dwellings which are within close proximity of the application site. The nearest dwellings are those on the opposite side of the road to the existing farm and are positioned perpendicular to the road. The application site is around 115m to the north west of these dwellings. The next nearest neighbour is to the south on Fenemere Lane and is a farm called Oakwood comprising the farmhouse and various agricultural buildings.
- 6.6.2 It is considered that the neighbouring dwellings are sufficient distance from the proposed development to ensure that their residential amenities would not be detrimentally affected by any loss of light, privacy or noise directly from the development or its use. The neighbours are likely to notice the increased levels of vehicle movements along the lane because of the increased numbers of staff, visitors and residents coming and going for days out. However, traffic speeds are low and the types of vehicle using the lane would be cars and sometimes minibuses; neither of which generate significant levels of noise to such a level where it would impact upon the quiet tranquil character of the immediate area thereby safeguarding residential and local amenity as required by policy CS6.

6.7 Affordable Housing

- 6.7.1 The proposed development would contribute toward the Council's stock of

affordable housing. The proposed development, as proposed has a very specific identified need. As the land is owned by Shropshire Council, in order to ensure that the development remains as affordable housing there would be a memorandum of understanding (MoU) which would provide some security that the development will be utilised to meet this specific need and that only if circumstances change would they revert to the more common form of affordable housing. Given the forecast data for the demand for special accommodation this would appear to be an unlikely scenario going forward.

7.0 CONCLUSION

- 7.1 Local and national planning policy aims to boost the supply of housing which includes ensuring that there is provision for meeting the specialist housing needs of vulnerable people. In this instance it has been adequately demonstrated that there is already a need for the specialist accommodation being proposed and that the demand for such accommodation is forecast to continue growing.
- 7.2 The application site is located in an area of open countryside where new residential development is strongly resisted unless it meets some of the exceptions that are listed in policy CS5 of the Core Strategy; which includes the provision of affordable housing to meet a local need. The location of such development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate. In this case it is recognised that the site is not adjacent to a settlement. Instead it is located adjacent to a facility that is already used as a facility for people with learning difficulties. There is a clear mutual benefit operationally and most importantly the wellbeing of the residents by having easy access to the well-established farm sited next door.
- 7.3 Policy CS11 goes on to support housing for vulnerable people and specialist housing provision in appropriate locations where there is an identified need. In this instance, it is considered by Officers that there are substantial benefits by having the accommodation adjacent to the farm. The quiet rural setting has also been shown to benefit those that would live on the site compared to a more urban setting. Residents will also benefit from being able to live close to their support network of family and friends by living closer, which is in contrast to current arrangements of many people with learning difficulties only having suitable accommodation in locations outside of Shropshire.
- 7.4 On the basis of the above, Officers consider that the site is in a suitable location and that this outweighs the harm caused by introducing new housing development into a location that is away from an existing settlement and where the opportunities for staff to live nearby by or where there is easy access to public transport is more limited.
- 7.5 It is considered that the proposed development is acceptable in terms of highway safety, and ecology- with suitable mitigation and that there would not be an unacceptable impact upon the amenities of neighbour residents. On balance, it is therefore considered by Officers that the proposed development is recommended for approval subject to the applicant entering into an MoU.

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.

EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and referer

21/04211/FUL

Greenacres Rural Training Centre, Fenemere Lane, Fenemere, Baschurch SY4 2JA

Erection of a supported living development for adults with learning disabilities. To comprise a single storey building to provide 8 dwellings along with communal areas and staff facilities, car parking and landscaping

Date of consideration of three tests:

05 October 2021

Consideration of tests one and two carried out by:

Mark Perry
Planning Officer

Consideration of third test carried out by:

Suzanne Wykes
Specialist Practitioner (Ecology)

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’?

Delivery of specialist accommodation of which there is a proven need.

2 Is there ‘no satisfactory alternative’?

No, given the specialist nature of the development proposed.

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’?

The applicants have obtained an Impact Assessment and Conservation Payment Certificate (IAPC) from Natural England, therefore confirming their acceptance to enter into the Natural England run district level licensing (DLL) scheme in Shropshire

for great crested newt (GCN) which both the applicant and Natural England have signed to agree to enter the DLL scheme, and a copy of which has been received by the Local Planning Authority.

The Shropshire GCN DLL scheme allows for a strategic approach to ensure that the favourable conservation status of GCN in their natural range is maintained. This is through payment of a conservation payment that allows for the impacts on GCN (through a planning application) to be adequately compensated.

It is therefore considered that the proposals will not be detrimental to the maintenance of the population of GCN at a favourable conservation status in their natural range.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

NS/04/01015/DEEM Variation of conditions 3 and 4 of planning permission CC99/0028 to allow retailing of a wider range of items at existing shop NOBJ 11th November 2004

NS/88/00538/DEEM Training classroom and storage area. GRANT 13th September 1988

NS/88/00260/DEEM Rural training centre for mentally handicapped adults and proposed base for YTS and community programme activities. GRANT 23rd September 1988

PREAPP/11/01021 Proposed change of use of day service centre to dwelling PRRQD 6th April 2011

18/01911/FUL Erection of single storey building to provide welfare facilities for service users following removal of existing timber framed building. GRANT 23rd May 2018

18/04305/FUL Use of agricultural land for the installation of ground mounted Solar PV panels to a maximum area of 500sqm GRANT 8th November 2018

20/03883/FUL Change of use including refurbishment to respite facility with residential accommodation for vulnerable adults including a live in carer, formation of vehicular access and parking WDN 7th October 2020

21/00270/AGR Proposed wooden shed to accommodate the operation of agricultural based day service and will be used as a potting shed to plant seeds and grow plants and vegetables. PNR 6th April 2021

21/04211/FUL Erection of a supported living development for adults with learning disabilities. To comprise a single storey building to provide 8 dwellings along with communal areas and staff facilities, car parking and landscaping. PDE

21/04215/FUL Change of use including refurbishment to respite facility with residential accommodation for vulnerable adults including a live in carer, formation of vehicular access and parking GRANT 18th January 2022

NS/99/10645/DEEM GREENACRES FARM - WALFORD HEATH NR SHREWSBURY
SHROPSHIRE

PROPOSED USE OF BUILDING FOR RETAIL SALES NOOBJC 10th August 1999

SC/CC2004/0041 Variation of planning permission CC1999/0028 for farm shop, to allow retailing of a wider range of items PERMIT 18th November 2004

SC/CC1999/0028 Use of existing storage building for retail sales of agricultural produce and craft items PERMIT 16th September 1999

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 Ed Potter

Local Member

Cllr Nick Bardsley

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 commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall remain in force for the duration of the construction period. Reason: In the interests of local amenity and highway safety.

Reason: In the interests of highway safety

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

4. 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, trees, and hedgerows. 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.

5. A plan showing habitat creation (including species, density, etc), and the makes, models and locations of bat and bird boxes and locations and specification for amphibian hibernacula has been submitted and approved in writing by the Local Planning Authority. The following shall be provided on the site:

Compensatory semi-natural habitat creation;

A minimum of 4 hibernacula suitable for use by amphibians;

A minimum of 4 external woodcrete bat boxes or integrated bat bricks/tubes, suitable for nursery or summer roosting for small crevice dwelling bat species;

A minimum of 4 artificial bird nest boxes or integrated bird nesting bricks suitable for sparrow/starling/tit species.

The plan shall be carried out as approved prior to first occupation of any unit. The boxes shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To secure mitigation and enhancement for biodiversity in accordance with NPPF, MD12 and CS17.

6. No works on or in the pond c. 35 west of the redline boundary shall take place until a method statement detailing how the pond enhancement works will be carried out to prevent the spread of *Crassula helmsii* has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the approved method statement.

Reason: To prevent the spread of invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

7. Prior to any built development commencing a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

8. 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

9. Prior to the development hereby being first brought into use the alterations to the layby as shown indicatively on drawing 2020/5625/005 shall be fully implemented in accordance with an engineering scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety.

10. Prior to the development hereby being first brought into use/occupied the access and parking spaces shall be laid out and fully constructed in accordance with the approved site plan drawing; the car parking area shall thereafter be kept free of any impediment to their intended use for the life time of the development.

Reason: To provide adequate off road parking to serve the development in the interests of highway safety.

Informatives

1. 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. All vegetation clearance should ideally 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 carry out the check. Only if there are no active nests present should work be allowed.

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<u>Committee and Date</u>
Northern Planning Committee
1 st March 2022

<u>Item</u>
Public

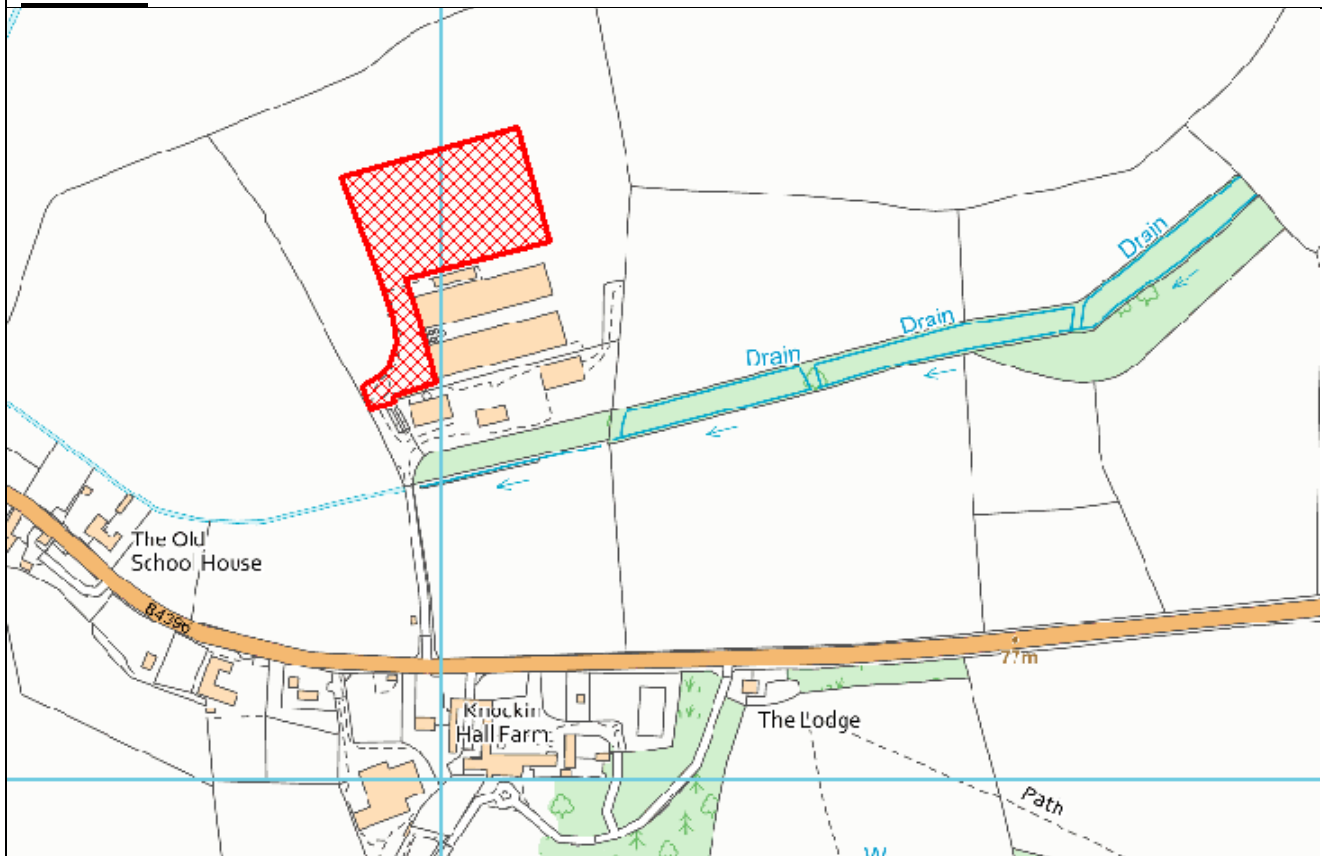
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

<u>Application Number:</u> 19/04432/EIA	<u>Parish:</u> Knockin
<u>Proposal:</u> Erection of an extension to a poultry unit including silos and all associated works	
<u>Site Address:</u> Knockin Hall Farm The Avenue Knockin Shropshire SY10 8HQ	
<u>Applicant:</u> Knockin Growers	
<u>Case Officer:</u> Philip Mullineux	<u>email</u> : philip.mullineux@shropshire.gov.uk

Grid Ref: 334095 - 322024



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REPORT

Recommendation: Delegated approval to the Assistant Director that on satisfactory submission of an addendum to the noise report, on noise, in relation to the air

scrubbers, subject to the conditions as outlined in appendix one attached to this report, and any modifications to these conditions as considered necessary by the Assistant Director.

1.0 THE PROPOSAL

- 1.1 Application is made in full and proposes erection of an extension to an existing poultry unit including silos and all associated works at Knockin Hall Farm, The Avenue, Knockin.
- 1.2 The application is accompanied by an Environmental Statement, which includes reference to a landscaping plan, ammonia screening, odour management, dust management, drainage plan and design and access plan. Application also includes manure management plan, noise report, proposed elevations and floor plans, drainage plans, site location plan and block plan. During the application processing period further information was received owing to concerns with regards to ammonia emissions, landscaping and a further ecology report, along with an amended manure management plan. Amended plans were also received indicating air scrubbers fitted to the proposed eastern side gables of the broiler houses. This is basically an exhaust air single stage chemical air cleaner using a suction principle that separates dust and ammonia produced from within the broiler house.
- 1.3 It is noted during the application processing that the applicants decided as a result of SC Ecology concerns and ammonia disposition to add mechanical scrubber units. These are an addition that will require a site permit variation. (Managed and operated by the Environment Agency). If mindful to support the application, it is advised that an informative is attached to any approval notice in respect of this matter.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site for the proposed development which covers an area of approx. 2.65 hectares and is grade 3 agricultural land currently used for arable production and is located to the rear of two existing intensive broiler units on land on opposite side of the B4396 public highway to the original farmstead known as Knockin Hall Farm. Immediately adjoining the site and the existing poultry unit is farmland in the control of the applicants. Nearby is the designated Knockin Conservation Area, however the site is not located within or adjoining this designated area. .
- 2.2 Detail in support of the applicants Environmental Statement indicates that the closest residential properties are situated to the south and west of the site. The original agricultural barns converted to residential use at Knockin Hall Farm are the closest and are around 230 metres to the south on the opposite side of the B4396. One of the barns is occupied by the Moseley family but the rest are in separate ownership. Knockin Hall and Knockin Hall Farmhouse are set further back from the road and are around 275 metres from the proposed site. There are further dwellings and commercial premises alongside the B4396.
- 2.3 Information forming part of the Design and Access Statement in support of the application indicates that the buildings will each measure 97.90 metres by 24.69 metres bird area (living area accommodation) plus the fan canopy. Height to the eaves is 2.65 metres and ridge height 4.85 metres. There will be 5 feed bins situated between the buildings which will have a capacity of 30 tonnes and measure 6.6 metres in height and 2.8 metres in diameter. The proposed poultry sheds are to be of standard construction, comprising portal frames with profile sheet cladding finished in a BS12B29 Juniper Green colour to facilitate integration within the landscape. The poultry complex that the

application site forms part of will house approximately 200,000 birds in total, split between four sheds; this is based on the number of chicks that will be delivered at the start of the cycle. At the end of the cycle this number will be less due to an average mortality rate of 4% during each crop.

2.4 It is noted that the site had granted on 8th June 2019 a variation to its site permit that is operated and managed by the Environment Agency. This controls day to day general management, including operations, maintenance and pollution incidents.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Committee consideration is mandatory as the application is classed as schedule one development in accordance with EIA Regulations and is accompanied by an Environmental Statement.

4.0 Community Representations

4.1 **Knockin Parish Council** have responded indicating support for the application.

4.2 Consultee Comments

4.3 **Historic England** have responded to the application indicating:

Thank you for your letter of 14 October 2019 regarding the above application for planning permission. We refer you to the following published advice which you may find helpful in determining the application.

The Setting of Heritage Assets. Historic England Good Practice Advice in Planning Note 3 (Second edition December 2017).

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. If you would like detailed advice from us, please contact us to explain your request.

4.4 **The Environment Agency** have responded to the application indicating:

Thank you for referring the above application which was received on the 16 October 2019. We would offer the following comments for your consideration at this time.

Environmental Permitting Regulations: The proposed development will accommodate up to 100,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2016, as amended.

The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents.

The Environmental Permit (EP) will include the following key areas:

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

Our consideration of the relevant environmental issues and emissions as part of the EP only apply to the proposed poultry installation and where necessary any Environment

Agency regulated intensive farming sites.

A variation to the existing Environmental Permit has been granted (Ref: EPR/FP3036JH/V002, dated 8 June 2019) and submitted with the planning application for completeness. The variation increases the threshold for bird numbers on the site from 100,000 to 220,000

Ammonia emissions: Ammonia may be emitted from livestock and from manure, litter and slurry, and may potentially impact on local people or nature conservation sites i.e. vegetation/habitat (permits may be refused if critical loads to the environment are exceeded).

Our ammonia screening assessment is made in line with our current guidance available at: <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#pre-application-discussion>.

With regard to 'cumulative impact', we undertake a screening approach based on the potential impact of the proposed intensive poultry farm on designated nature conservation sites. Where required we carry out an 'in-combination' calculation of other intensive poultry farms regulated by the Environment Agency in the area. The same approach applies to cases when detailed ammonia modelling may be required to determine the risk to nature conservation sites.

There may be other poultry or livestock farms not regulated by the Environment Agency in the area. These are not considered as part of the permit determination with respect to any 'in combination assessment' and HRA.

EP controls: The EP will control relevant point source and fugitive emissions to water, air and land; including odour, noise, dust, from the intensive poultry farming activities within the permit 'installation boundary'.

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.

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

An Odour Management Plan (OMP) and Noise Management Plan (NMP) should help reduce emissions from the site, but it will not necessarily completely prevent all odour and noise. A Management Plan should set out the best available techniques that the operator intends to use to help prevent and minimise odour and noise nuisance, illustrating where this is and is not possible. There is more information about these management plans at: <https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

A management plan will not necessarily completely prevent all odours, or noise, or at levels likely to cause annoyance. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level. In addition, the OMP/NMP requirement is often a reactive

measure where substantiated complaints are encountered. This may lead to a new or revised OMP/NMP to be implemented and/or other measures to be in place.

Note - For the avoidance of doubt, we do not 'directly' control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters. However a management plan may address some of the associated activities both outside and inside of the installation boundary. For example, a NMP may include feed delivery lorry operation hours / vehicle engines to be switched off when not in use on site.

Similar to ammonia, we do not look at in combination effects for odour or noise.

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

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

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

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/geho0411btra-e-e.pdf) explain the methods the operator should use to help minimise and manage these emissions.

Note - For any associated human health matters you are advised to consult with your Public Protection team and/or Public Health England (PHE).

Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged 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.

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

Manure Management (storage/spreading): Similar to other emissions, as part of the permit determination process, we do not require a Manure Management Plan (MMP) upfront. However, Environmental Permit (EP) holders are required to subsequently operate under such a Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicants land ownership such as this. 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 regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. More information may be found in appendix 6 of the document titled "How to comply with your environmental permit for intensive farming."

<https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters> Any Plan would be required to accord with The Farming Rules for Water and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

In relation to subsequent control of the impacts to water from manure management, the Environment Agency is responsible for enforcing these rules which relate to The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, which came into force on 2 April 2018.

It is an offence to break these rules and if they are breached we would take enforcement action in line with our published Enforcement and Sanctions guidance.

The above Regulations are implemented under The Farming Rules for Water. All farmers and land managers are required to follow a set of rules to minimise or prevent water pollution. The new rules cover assessing pollution risks before applying manures, storing manures, preventing erosion of soils, and managing livestock. The full information can be found at: <https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution>

Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Vulnerable Zone (NVZ) Rules where they are applicable, in line with Nitrate Pollution Prevention Regulations. Further NVZ guidance is available at: <https://www.gov.uk/guidance/nutrient-management-nitrate-vulnerable-zones>

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>

Note: The Environment Agency are aware that the applicants now propose to install mechanical air scrubbers to the units on site and advise that a variation to the site permit operated by the EA will be required. No objections are raised to this amendment to the application .

4.5 **Natural England** have responded indicating:

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

The earlier response indicated:

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

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.

A Habitats Regulations Assessment

Clarification of some of the details relating to impacts on air quality on designated sites

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

The proposed development triggers the Impact Risk Zone for the Midlands Meres and Mosses Phase 2 Ramsar, an International Site and is therefore subject to the Conservation of Habitats and Species Regulations 2017 (as amended). The environmental pathways are likely to be through emissions to air or through hydrology. Impact Risk Zones for a number of Sites of Special Scientific Interest (SSSI) are also triggered, these include Lin Can Moss SSSI, Montgomery Canal Aston Locks – Keepers Bridge SSSI, Morton

Pool and Pasture SSSI and Crofts Mill Pasture.

We note that a number of documents relating to air quality have been submitted in relation to air pollution including a SCAIL Modelling Report. Natural England requests clarification of some of the information within this report, specifically relating to the summary table and the selection of Critical Levels. The table indicates that Critical Levels of 3 have been used for all sites, according to the Air Pollution Information System it would be more appropriate to use a Critical Level of 1, these include Lin Can Moss, Morton Pool and Pasture, Llanymynech and Llyncllys Hills, Sweeney Fenn, Sharwardine Pool and Trefonen Marshes. This is usually due to the presence of lichens or bryophytes. It would be useful if clarification could be given as to why the less precautionary 3 was used.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (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. Further general advice on the protected species and other natural environment issues is provided at

Annex A.

If you have any queries relating to the advice in this letter please contact me on 07881 835 753. Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service. Please consult us again once the information requested above, has been provided

4.6 **SC Drainage Manager** has responded indicating:

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

All correspondence/feedback must be directed through to Shropshire Council's

Development Management Team.

1. Surface water and foul drainage schemes for the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related Documents Section on the Council's Website at:
<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>
2. Appendix A1 - Surface Water Drainage Proforma for Major Developments must be completed and together with associated drainage details, must be submitted for approval.
3. Details and plan on how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system should be submitted for approval to ensure that polluted water does not enter the water table or watercourse.

An earlier response indicated:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

Informative Notes:

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: <https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

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

4.7 **SC Archaeology Manager** has responded indicating:

We note Historic England's comments in their consultation response of 22 October 2019 and that they raise no objections to the proposed development.

In our opinion, and with reference to Historic England's 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets' (2nd edition), the proposed development will not affect the setting of the Scheduled Monument of Knockin Castle: a motte and bailey castle immediately east of St Mary's Church (NHLE ref. 1019304).

Based on the results of the geophysical survey and archaeological watching brief that was undertaken during the construction of the existing poultry unit in 2015 and 2016 respectively, we consider the development site itself to have low – negligible archaeological potential. Consequently, we have no further comments to make on this application with respect to archaeological matters.

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

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m²

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. ‘THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.’ provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting – Building Size

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

- 4.9 **SC Public Rights of Way** have responded indicating: It appears that Footpath 7 runs extremely close to the buildings that are to be developed, this 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 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.
-

If it is not possible to keep this footpath open whilst development takes place, then a temporary diversion will need to be put into place and the applicant will need to contact the Mapping & Enforcement Team (fees apply).

4.10 **SC Highways** have responded indicating:

No Objection – subject to the development hereby approved being constructed in accordance with the approved details.

All access is proposed to be taken via the access to the existing poultry unit off the B4396, which is satisfactory. The proposed site includes enough space for parking, turning and loading.

The traffic movements detailed in the Environmental Statement are considered acceptable from a highways perspective. The bird depopulation is noted to take place at 2am to start the movement of birds however this may begin earlier or later. From observations made elsewhere however it must be noted that this must not overrun and impact on the morning peak period.

4.11 **SC Conservation Manager** has responded indicating:

Having reviewed the additional information, ie site section drawing RB-MZ386-05 dated 16.05.21 and photograph from the site access towards the site, it can be confirmed that a HA will not be required, in light of the fact that one was submitted for the initial application and the additional information referred to above has confirmed that the proposed additional sheds are to be set at the same level as the existing sheds by digging them into the ground.

We do not consider there will be any additional harm to the significance of the identified heritage assets and therefore we do not object on heritage grounds. In coming to this conclusion we have considered Section 66 (1) of the Planning (Listed Building & Conservation Areas) Act 1990 where great weight should be given to the preservation of listing buildings and their settings when weighing public benefits against harm (para 196) and consider that it is not applicable in this case. We have also paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area as required by Section 72 (1) of the above Act along with local and national policies.

We would still suggest that a sensitive and appropriate landscaping scheme and its future management and retention, are obtained to ensure that the level of screening is not lost, and should be either obtained prior to consent or by condition. This relates to the existing woodland immediately to the south of the site, the hedgerows to the west, one running north to south and the other east west, to give further visual separation between the site and the heritage assets.

An earlier response indicated:

In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published February 2019 and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Knockin Hall Farm, is a farmstead first identified and classified by the Historic Farmsteads Characterisation Project, 2008 – 2010. Within the HER for the above Characterisation Project it is described as “Full Regular Courtyard... Date Evidence from Farmhouse: 18th Century... Position of Farmhouse: Attached to agricultural range. Farmstead Location: Located within a park. Survival: Partial Loss - less than 50% change. Confidence: High. Other Notes: Large modern sheds to the side of the historic farmstead suggest that the farmstead is still in use. Some Evidence for Conversion. Dated by listed farmhouse (PRN 15153). Separate C18 Knockin hall (PRN 13034). Large Gin house demolished. Historic farm buildings no longer in agricultural use.”

The traditional farm buildings part of Knockin Hall Farm, although converted to residential, are considered curtilage to Knockin Hall Farmhouse – Grade II listed and possibly more widely to Knockin Hall also Grade II listed. Knocking Hall Farmhouse is described “Circa 1790 with later alterations. Red brick; slate roof with coped verges on carved stone kneelers to left gable end. 3-unit baffle-entry plan. 2 storeys with detailed eaves cornice. 4 unevenly spaced windows; glazing bar sashes (narrow sash window horned) except for two C19 casements to lower right and plate-glass sashes to each face of canted bay (c. 1846) to lower left. Entrance immediately to right of canted bay through flat-roofed brick porch with plain pilastered mid-C19 wooden doorcase and half-glazed door with stained glass panels to corners. Tall red brick ridge stack directly above. C19 2-storey lean-to to left gable end. Attached to left end of Knocking Hall (qv) of which it may formerly have been the service wing. Included for group value.” (HE list description, October, 1987).

Knockin Hall is the main listed building in this group and is described as a “Small country house with flanking walls and attached outbuildings. Circa 1790 with mid-C19 and late C20 additions and alterations. Red brick with stone dressings; double-span slate roof with coped verges on carved stone kneelers; parapet and valley stacks to left and right. Double-depth main block of 3 bays with single-bay 3-storey range to right and flanking walls with outbuildings behind. 3 storeys and attic with moulded stone eaves cornice and painted stone floor bands...”.

Whilst the site is outside the Knockin Conservation Area due regard to impact on its setting should be considered in any decision making process.

Areas with regard to the Schedule Ancient Monuments have been commented on by my archaeology colleagues and Historic England, therefore no further comments will be added here in this regard.

Details:

No Heritage Impact Assessment has been submitted with this application although one was submitted for the initial application. This should probably be refreshed in the light of additional sheds proposed due to the fact that from the topographic survey submitted previously it would appear that the land rises up from the current sheds. With regard to this point there is no information (site sections) which clearly indicates at what level the proposed sheds are proposed to be constructed in relation to the existing. If this information was provided it is possible it will demonstrate that there will be no further impact beyond that of the existing sheds, from a historic environment perspective, especially if the landscaping is further enhanced around the field boundaries.

With regard to the Conservation Area: in this part of the Conservation Area's character is considered to comprise of both built form the ie listed farm complex, including Knockin Hall and the natural environmental ie The Avenue of trees which form part of the wider setting of the Conservation Area. There is no HA to address this, however, as per the

previous paragraph this may not be an issue if there is no further impact beyond existing sheds. It is noted that consideration of the significance of the Conservation Area and how its wider setting contributes, or not to it, does not appear to have been approached in the Heritage Assessment submitted in support of the application, however, in this instance I am satisfied that the proposal should have a detrimental impact on the setting of the Conservation Area provided that the access splay (which is within the Conservation Area) is the minimum necessary to

RECOMMENDATION:

It is considered that the level of development shown in the application may not cause unacceptable harm to the Designated, non-designated heritage assets and their settings, but that further information as noted above, has not been submitted to give any surety to this and therefore should be requested. Sensitive and appropriate landscaping scheme and its future management and retention, to ensure that the level of screening is not lost, will be necessary should permission be granted. This relates to the existing woodland immediately to the south of the site, the hedgerows to the west, one running north to south and the other east west give further visual separation between the site and the heritage assets.

4.12 SC Regulatory Services have responded indicating:

Having considered the discussion provided around the odour concentrations predicted in the odour assessment and the changes to previous models for the site I am satisfied that the information provided gives clarity on this aspect and reasonably describes the differences between the current model and those past.

Given the odour predictions are based on high velocity ridge fans expelling air at some 14.85m³/s for the existing and proposed units I would recommend that this aspect is conditioned to ensure that the predictions in the model are as accurate as possible to future actual odour levels.

In respect to noise I have no additional comments requiring clarity. There are no proposed conditions for consideration regarding this aspect of the development.

Please consider this Regulatory Services formal comments on this application.

An earlier response indicated

Having considered the proposal I would firstly note that the application is being brought forward under the description, "Erection of an extension to a poultry unit including silos and all associated works". I would suggest this wording could be misleading to make as a poultry unit is typically used to describe one poultry rearing shed and not a whole complex of sheds. When initially looking through the applications in the system this stood out as low risk as it was assumed it would be a modification to an existing poultry unit. Having noted information in the D&A it is clear this is the addition of 2 further units roughly doubling the size of the poultry installation.

There are residential properties in close proximity. As such a noise and an odour assessment are necessary. Information provided with the application gives an odour and a noise management scheme but no assessment. Before any substantial comment can be given please can the applicant provide a noise and an odour assessment as is common practice for units of this size when there are sensitive receptors in close

proximity. Without this information there is not enough information to make any comment other than the proximity of the development to existing sensitive receptors suggests that there could be a significant impact from odour and noise.

Noise and odour assessments must include the current poultry units in combination with the proposed additional 2 sheds which are set to house a further 100,000 birds on the site.

Having considered the odour and noise assessments I have the following comments.

The odour assessment predicts that the 4 shed operation for 200,000 birds will produce only 0.01 odour unit more at the most sensitive receptor than the current 100,000 bird unit was predicted to create (noting the odour assessment in the previous planning application for the first two sheds). Please could this be explained including a clear explanation around the odour units used in the most recent report and those used in the report submitted with the previous application and reasons for any differences.

In addition it is noted that odour assessments do not tend to consider odour from clearing out operations. These activities can create significant odour. With 7 cycles a year this is 7 days a year when odour may be significant over and above that modelled.

The noise assessment submitted with the application provides details for plant on site and concludes no significant noise impact from the additional poultry units. This conclusion is considered satisfactory for on site equipment. However, the assessment does not consider noise from vehicles. This aspect requires consideration. Given that the proposal is to double the size of the site it will double the amount of vehicles associated with depopulation and associated noise. As such I would suggest that a condition is proposed to limit depopulation activities to daytime hours (between the hours of 0700 - 2300 hours. In addition I recommend a condition on feed deliveries as found on the decision notice for the existing two sheds.

4.13 **SC Ecology** have responded indicating:

No Objection. Conditions are required to ensure the development accords with the NPPF, MD12 and CS17.

COMMENTS

Since SC Ecology's last consultee comments dated 11 November 2021, discussions have been undertaken with the agent and updated information submitted which has been considered as follows:

1. Landscaping Plan dwg no. RB-MZ386-03 dated 24/01/2022
2. A Report on the Modelling of the Dispersion and Deposition of Ammonia from the existing and proposed broiler chicken rearing houses and the Impact of proposed mitigation measures at Knockin Hall Farm, Knockin, near to Oswestry in Shropshire, 12 January 2022, AS Modelling & Data Ltd.
3. DLG Test Report 6260 fr Inno+ B.V certificate chemical air scrubber Ammonia Reduction Calculator
4. Letter from Arbor Vitae dated 19 January 2022

Ammonia emissions

The submitted ammonia report models various scenarios however, in an e-mail dated 28 January 2022 from the agent, scenario 4 in the ammonia report is the proposal they wish

to take forward for consideration.

Under scenario 4, the following BAT measures are proposed:

- Scrubbers retrofitted on two existing poultry buildings at Knockin Hall Farm; and
- Scrubbers fitted on the proposed poultry buildings at Knockin Hall Farm.

A report of air quality impacts (AS Modelling & Data Ltd, 22 January 2022) has been completed and submitted, the results of which are summarised below. This compares the existing poultry emissions against the proposed poultry emissions with the implementation of the proposed BAT

Table 1: Predicted maximum annual mean ammonia concentrations at the discrete receptors; existing and proposed*:

Site	Existing Process Contribution % of Critical Level	Proposed* Process Contribution % of Critical Level	Existing Process Contribution % of Critical Load	Proposed* Process Contribution % of Critical Load
Lin Can Moss SSSI	0.51	0.24	0.80	0.38
Montgomery canal, Aston Locks-Keepers Bridge SSSI	0.24	0.13	n/a	n/a
Morton Pool and Pasture SSSI/Ramsar	0.13	0.06	0.31	0.14
Crofts Mill Pasture SSSI	0.13	0.06	0.14	0.06
Bullmoor Ancient Woodland	0.56	0.56	0.44	0.44

proposed scenario with emission factors for the existing and proposed poultry units with ammonia scrubbers fitted.

Table 1 shows that the proposal will result in at least nutrient neutrality at the one ancient

woodland within 5km and betterment for all the other sites within 5km of the proposal.

This is considered acceptable. It is noted that an in-combination assessment is not required as the proposals do not give rise to any residual effects, ie there is a betterment in terms of the reduction of ammonia from the existing to the proposed situation.

An appropriate assessment has been carried out as the proposal (without mitigation) would be likely to have a significant effect on Morton Pool (part of the Midland Meres and Mosses Phase 2 Ramsar).

Landscaping

The updated landscape plan indicate an area of 'Additional tree and shrub' planting to the east of the proposals, which is welcomed, however, no specification for this planting

is supplied (ie species composition, mix, stock size, density etc). Advice of planting trees to capture ammonia can be found at [Tree Shelter Belts for Ammonia Mitigation | Tree Shelter Belts for Ammonia Mitigation \(ceh.ac.uk\)](https://www.ceh.ac.uk). This should inform the landscaping proposals. A condition is recommended to secure appropriate landscaping in the event that a revised landscaping plan is not submitted prior to determination.

A condition will be required to ensure that all the ammonia scrubbers to be fitted will be working from day one of the operation of the development as the achievement of betterment is reliant on this. SC Ecology have suggested a condition – see below, however, the suitability of the wording of a condition to secure this is one for the planning officer to decide. In addition, either a condition should be used to ensure the manure is taken off site to a digester (ie not spread on land) or the MMP (as submitted) should be an approved document which the development must be undertaken in accordance with (for the lifetime of the use of the development).

Other ecological matters

The location of the proposed buildings is within an extant area of arable land, habitats of negligible potential to support notable/protected species. The letter from Arbor Vitae confirms there are no identified ecological constraints or likely impacts upon ecology as a result of the proposals. A site visit by the ecologist was undertaken on 14 January 2022.

RECOMMENDED CONDITIONS

Ammonia scrubbers

Prior to first use of the buildings approved by this permission, Inno+ air scrubbers shall be installed on both the existing two buildings at Knockin Hall Farm, Oswestry, Shropshire and the two new buildings permitted under this approval as shown on Drawing number RB-MZ386-03 Proposed Block Plan dated 24/01/2022. The scrubbers shall be fully operational, at all times when birds are housed within, and maintained in accordance with the manufacturer's instructions, for the lifetime of the buildings.

Reason: To ensure that the proposed development does not adversely affect designated sites through air emissions in accordance with NPPF, Core Strategy CS17 and SAMDev Plan policy MD12.

Landscaping (if required)

Prior to the first use of the development, a revised landscaping scheme shall be submitted to the LPA for approval. The scheme shall include details of the species composition, size of stock and planting density of the proposed tree and scrub planting to the east of the buildings in order to reduce long-term ammonia dispersion from the development. The landscaping shall be carried out in full in the first planting season (1st October to 31st March) following completion of the development. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

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

4.14 **Public Comments**

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

- Concerns with regards potential increase in pollution on the surrounding area.
- Detrimental impact on surrounding residential amenity and in particular at night time with regards to lorries reversing and external light pollution.

- Lack of public consultation in relation to the proposal.
- Concerns with regards to noise and in particular night time noise and operation of fans.

5.0 THE MAIN ISSUES

- Principle of development
- Environmental Impact Assessment
- Siting, scale and design of structure
- Visual impact and landscaping
- Historic impacts
- Ecology
- Highway access
- Drainage
- Residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Environmental Impact Assessment

The application proposes housing of up to 100,000 broilers on site and as such the proposed development falls into the remit of Schedule 1:17(a) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and therefore an Environmental Statement in support of the application is mandatory.

6.1.2 Planning policy and principle of development

6.1.3 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (Par 2- NPPF).

6.1.4 The NPPF advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 7) and establishes a presumption in favour of sustainable development (para. 11) indicating that 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).

6.1.5 Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new

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

6.1.6 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy. In principle therefore it is considered that the provision of an extension to the existing broiler unit adjacent to the site can be given planning consideration in support. Policies recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are discussed below.

6.2 **Siting, scale and landscape and visual impact.**

6.2.1 Core Strategy Policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, 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 MD12 of the SAMDev puts emphasis on the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration.

6.2.2 The application proposes two intensive broiler buildings for the housing of up to 100,000 birds and 5 feed silo's to the northern side of an existing intensive broiler site consisting of two broiler buildings, five feed silos and a biomass building . The site consists of grade 3 farm land to which it is acknowledged that development as proposed will have a significant localised visual impact cumulatively with the existing alongside the site.

6.2.3 Whilst it is acknowledged that intensive poultry units can have a significant impact on the landscape character as well as a visual impact, consideration also has to be given to the economic benefits.

6.2.4 The application proposes extending an existing intensive broiler unit, (which houses up to 100,000 broilers on site), on a green field site. The proposed development in accordance with detail as contained in the Design and Access Statement submitted in support of the application is for the erection of 2 broiler units. The buildings will each measure 97.90 metres by 24.69 metres bird area (living area accommodation) plus the fan canopy. Height to the eaves is 2.65 metres and ridge height 4.85 metres. There will

be 5 feed bins situated between buildings which will have a capacity of 30 tonnes and measure 6.6 metres in height and 2.8 metres in diameter.

- 6.2.5 The applicant has submitted a landscape and visual impact assessment in support of the application, (Chapter six of the Environmental Statement), and this concludes that the direct effects on landscape will be limited. The proposed development is on an agricultural field adjacent to existing agricultural buildings and no important landscape features or elements will be lost as a direct consequence of the development. The proposed development will be compatible with the surrounding agricultural land uses. With regard to indirect effects and the perception of landscape character, it is considered that the proposed development will have minor effect on the Principal Settled Farmland on which the development site is located and the adjoining Enclosed Lowland Heath. The effects on the other character areas surrounding the site will not be significant. The impacts on visual amenity have been assessed and considered to be on balance not significant or of slight significance. The landscape is capable of accommodating the development and additional mitigation works will further lessen any impact. Overall, whilst Officers do have concerns with regards some of the methodologies used to assess the impacts the landscape and visual assessment has established that the proposed poultry installation will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity. Officers consider on balance that the proposed development is considered to be acceptable with regard to the potential effects on landscape character and visual amenity and that further landscape mitigation will assist in integrating the proposal into the landscape as well as providing overall some biodiversity net gain for the surrounding landscape.
- 6.2.6 It is considered that the application proposes extensive development in scale, in the form of an extension to an existing intensive 'Broiler unit' which will see the existing unit double in area size, (four broiler sheds rather than the existing two), of steel frame construction with steel cladding to match the existing. This it is considered will have an impact on the landscape, however impacts will be localised to the surrounding area and it is considered that the existing landscape with its surrounding native trees and hedgerows with additional mitigation as proposed by the applicant, in the form of tree belt planting with consideration to the surrounding land topography, will mitigate the development into the surrounding landscape to an acceptable level. Whilst comments that tree mitigation as proposed could be considered not typical of the surrounding landscape in that it will appear to be out of place, if natives species are used, it is considered that this will blend into the surrounding landscape and that this form of planting is typical of the overall rural landscape .and character. (Pockets of native plantings). There is also the added benefit of other biodiversity enhancements in relation to provision of habitat.As such the conclusions of the applicants landscape and visual impact assessment as part of the application's Environmental Statement on balance are accepted.
- 6.2.7 On balance in relation to mass, scale and landscape and visual impact with mitigation as proposed by the applicant, impacts are considered acceptable. Further landscaping by means of a condition attached to any approval notice issued will provide further landscape mitigation, enhancement and biodiversity net gain. Therefore if members are mindful to support the application it is recommended that conditions with regards to landscape mitigation and maintenance as well as external colour of development on site are attached to any approval notice subsequently issued. Also of material consideration

is the economic viability of the proposal and the contribution towards local food production. Whilst it is acknowledged that the land on which the development is proposed is of high quality agricultural classification, its loss to arable production in the overall planning assessment is considered not to be of a high significance. As such the proposed development considered in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy and Policies MD2 and MD12 of the SAMDev and the NPPF on these matters.

6.3 **Historic Impact**

- 6.3.1 Paragraph 129 of the NPPF indicates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. The proposal therefore has to be considered against Shropshire Council policies CS6 CS17 and MD13 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policies CS6 and CS17 of the Shropshire Core Strategy emphasis the need to protect and enhance Shropshire's historic assets. Policy MD13 of the SAMDev emphasising the requirement wherever possible that proposals should avoid harm or loss of significance to designated or non-designated heritage assets and this includes consideration to their settings.
- 6.3.2 The site (although separated from), forms part of Knockin Hall Farm, which is a farmstead first identified and classified by the Historic Farmsteads Characterisation Project, 2008 – 2010. The traditional farm buildings forming part of Knockin Hall Farm, although converted to residential, are considered curtilage to Knockin Hall Farmhouse – Grade II listed and possibly more widely to Knockin Hall also Grade II listed. Knockin Hall is the main listed building in this group. Whilst the site is outside the Knockin Conservation Area due regard to impact on its setting will need to be considered in any decision making process. With reference to Historic England's Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2nd edition), the proposed development will not it is considered affect the setting of the Scheduled Monument of Knockin Castle, a motte and bailey castle immediately east of St Mary's Church (NHLE ref. 1019304).
- 6.3.3 The Council's Conservation Manager has responded to the application indicating that having reviewed the additional information, ie site section drawing RB-MZ386-05 dated 16.05.21 and photograph from the site access towards the site, it can be confirmed that a Heritage Impact Assessment will not be required, in light of the fact that one was submitted for the initial application and the additional information referred to in support of the application has confirmed that the proposed additional sheds are to be set at the same level as the existing sheds by digging them into the ground. It is therefore considered there will be no additional harm to the significance of surrounding identified heritage assets. In coming to this conclusion consideration has been given to Section 66 (1) of the Planning (Listed Building & Conservation Areas) Act 1990 where great weight should be given to the preservation of listing buildings and their settings when weighing public benefits against harm (para 196) and consider that it is not applicable in

this case. Special attention has been given to the desirability of preserving or enhancing the character or appearance of the conservation area as required by Section 72 (1) of the above Act along with local and national policies. In consideration of enhancement a sensitive and appropriate landscaping scheme and its future management and retention, is required as discussed in accordance with landscape and visual impact issues earlier in this report. This relates to the existing woodland immediately to the south of the site, the hedgerows to the west, one running north to south and the other east west, to give further visual separation between the site and the surrounding heritage assets.

- 6.3.4 Overall, it is considered that the proposed development will not have any significant detrimental impact on historic features and this includes the setting of the Knockin Conservation Area. It is noted that Historic England in response to the application indicating no objections to the proposed development.

In conclusion in relation to impacts on the historic environment, it is considered that the proposed development is acceptable, and with conditions attached to any approval notice issued with regards to site levels, landscape mitigation and enhancement, the development as proposed is considered to be in accordance with Policies CS6, CS17, MD2 and MD13 of the Local Plan, and the NPPF. Due consideration has also been given to Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance contained in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets)

6.4 Ecology

- 6.4.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist and Natural England.
- 6.4.2 The application is accompanied by an Ecological assessment and ammonia assessment these indicate that the proposed new sheds will occupy an area of arable land which has produced cereals in a recent harvest and is currently under stubble. This area has no ecological interest and the proposed construction will have no negative impacts of the area. No other habitats will be affected by the proposals. No trees or hedgerows lie within 75 metres of the site. There will be no impact on protected species. Consideration was given to badgers, bats, breeding birds and great crested newts but none of these are present on the site. No areas of open water lie within 500 metres and that therefore the proposals will have no direct adverse ecological impact on the site itself or other habitats within the area. As a consequence of initial concerns raised by SC Ecology further information was received in the form of a report on the Modelling of the Dispersion and Deposition of Ammonia from the existing and proposed broiler chicken rearing houses and the Impact of proposed mitigation measures at Knockin Hall Farm, Knockin, along with AS Modelling & Data Ltd and DLG Test Report 6260 fr Inno+ B.V certificate chemical air scrubber Ammonia Reduction Calculator. A revised manure management plan confirming all manure generated as a result of the proposed development would be exported to an AD Plant.
- 6.4.3 SC Ecology have responded to the application in consideration of further information received during the application processing in relation to ammonia issues and manure

management indicating no objections subject to conditions being attached to any approval notice issued in relation to landscaping and installation of air scrubbers on each of the broiler units on site. The response indicating that the location of the proposed buildings is within an extant area of arable land, habitats of negligible potential to support notable/protected species. Detail in support of the application confirms there are no identified ecological constraints or likely impacts upon ecology as a result of the proposals.

6.4.4 It is noted that the responses received from the Environment Agency and Natural England raise no objections. On balance the application in relation to ecological and biodiversity issues is considered acceptable with conditions and informative attached to any approval notice issued as recommended by SC Planning Ecology and therefore in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy, the Council's SAMDev Policy MD12 and the NPPF.

6.5 Public highway and transportation issues.

6.5.1 Policy CS6 of the Core Strategy requires development to be inclusive and accessible. Paragraph 111 in the NPPF indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 113 of the NPPF indicates all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport assessment so that the likely impacts of the proposal can be assessed.

6.5.2 The applicants Environmental Statement includes a chapter on transportation and this indicates all traffic visiting and leaving the site will do so along the B4396 public highway. This is an obvious route considering the adjacent public highway layout adjacent to the site. Clearly the proposed development is located alongside an existing broiler unit and thus many deliveries will be to the combined site and whilst obviously HGV movements will increase, with consideration to the location and the adjacent B4396 public highway increased impacts on this highway overall will not be considered adverse. The ES Transport chapter indicates that the assignment of manure will be removal by tractors and trailers and will be exported to local farms in the nearby vicinity. This will result in 20 tractor and trailer movements over two days during the clean out period at the end of each flock cycle. (N.B. 2 movements equates to one vehicle, one movement in, one movement out). This aspect of the proposal has been amended as the applicants now propose to export the manure to an AD plant. This will be carried out during the clean out after the bird rearing cycle of each batch of birds. Feed deliveries will be via HGV movements and the statement indicates that there will be 22 movements per crop cycle. Feed deliveries can be a noisy movement (unloading of the feeding stuffs), and thus this aspect considering the site's location close to the former traditional farmstead of Knockin Hall Farm where some of the traditional agricultural barns are in residential use will require a condition attached to any approval notice subsequently issued to control the time of feed deliveries, if members are mindful to support the application.

6.5.3 It is noted SC Highways Manager raises no objections to the proposal indicating that all access is proposed to be taken via the access to the existing poultry unit off the B4396, which is satisfactory. The proposed site includes enough space for parking, turning and loading. The traffic movements detailed in the Environmental Statement are considered acceptable from a highways perspective. The bird depopulation is noted to take place at

2am to start the movement of birds however this may begin earlier or later. From observations made elsewhere however it must be noted that this must not overrun and impact on the morning peak period. This latter comment in relation to bird depopulation is noted, however from a transportation and road network perspective the times suggested are considered acceptable. Observations made by the SC Public Rights of Way Manager with regards to a nearby public footpath and potential obstruction is noted and it is advised that an informative note is attached to any approval notice in order to ensure adequate consideration to this matter.

Objections from members of the public on highway and transportation related issues are noted. However on balance transportation issues are considered acceptable as confirmed by the SC Highways Manager and therefore overall considered by Officers to be in accordance with relevant local plan policies and the NPPF on highway and transportation matters.

6.6 Drainage

- 6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. It is noted that the application site is in flood zone 1 in accordance with the EA flood risk data maps.(lowest risk), The application is accompanied by a drainage plan and further diagram detail these are noted and have been considered as part of the consideration to this application.
- 6.6.2 Whilst detail in relation to drainage is considered minimal and this is of concern, it is also accepted that this application is for an extension to an existing Broiler enterprise where there are no known drainage issues of concern. In this case no objections have been raised by the Environment Agency or the Council's Drainage Manager as it is considered that a sustainable drainage system can be installed on site. Reference to this via the attachment of a condition in relationship to a final sustainable drainage layout plan can be included on any planning permission if granted. It is also noted that this site will require a variation to the site permit, operated and managed by the Environment Agency and it is noted their response as set out in paragraph 4.4 above confirms that a variation to the site permit to allow the additional birds (from 100,000 - 220,000), on site as a consequence of this proposal has been granted on 19th June 2019. (20,000 more birds than this application is in relation to). This will also control emissions from the site which includes consideration to drainage as part of the permitting process.
- 6.6.3 In view of the above it is considered that an appropriate sustainable drainage system via the attachment of a condition to any approval notice subsequently issued can be installed to meet the requirements of the NPPF and Policy CS18 of the Shropshire Core Strategy.

6.7 Residential amenity.

- 6.7.1 Policy CS6 of the Core Strategy 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. The existing poultry unit is operated under an Environmental Permit issued by the Environment Agency. The Agency has confirmed that a Permit Variation dated 8th June 2019 has been issued to allow an increase in the total number of birds to 220,000. The Permit controls the detailed site management aspects of the operation, including emissions relating to

odour, noise and dust, where these are produced within the Permit boundary. The Agency can require specific management plans to be submitted where necessary. National planning policy as set out in the NPPF is clear 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 (para. 188). The usual legislation in relationship to these matters as applied by the Council's Public Protection is also relevant.

- 6.7.2 An **Odour** Impact Assessment has been submitted as part of this application. This identifies that the main sources of odour would be point sources emitted from the building via ventilation outlets, and from handling and management of manure. It also notes that there would be a spike in odour levels towards the end of the bird cycle and when the sheds are being cleared. The Odour assessment has identified the nearest properties to the site and confirms no issues in relation to odour have been identified at these properties from the existing broiler unit. The assessment identifies what is considered good practice in relation to odour management.
- 6.7.3 A Plant **Noise** Assessment and Noise Assessment also accompanies the application and these identifies potential noise sources such as HGV movements, operation of fans on site, flue outlets, alarm systems, standby generators and birds on site as a result of the proposal and also confirms that within 400 metres of the site are residential properties. (Knockin Hall Farm), located on the entrance to the site from the adjacent public highway). This assessment also identifies good working practices in relation to noise management. Whilst HGV feeding deliveries and dispatching feed into the feed silo's can be a potential source of noise, it is considered this matter can be controlled with regards to delivery times with an appropriately worded condition attached to any approval notice issued. Such a condition is attached in relation to the existing poultry unit that the site will form part of. It is noted Regulatory Services in their initial response to the application also referred to a restriction of time in relation to bird de-population activities. The existing site that the application site will form part of does not have such a condition attached to its approval notice. With consideration to the site's location and public highway access from the site onto the 'B4396' class public highway it is not considered necessary to attached such a condition which in any case would be difficult to enforce, in consideration of restrictions and the current broiler unit, operating adjacent to the site. During the application processing further detail was submitted which includes provision for air scrubbers in order to tackle dust and ammonia issues on site. However the noise impact assessment does not refer to these and potential noise. Detail in support of the application does not refer to potential noise impacts as a result of installation of the air scrubbers. As such it considered necessary for an addendum to the noise report in consideration of the proposed air scrubbers and potential noise during operation. However air scrubbers are not known to generate adverse noise and it is considered that this matter could be delegated to the Assistant Director to approve the application subject to satisfactory detail in relation to noise generation as a result of the installation of air scrubbers to the satisfaction of the Council's Public Protection Team. This matter will also require an amendment to the Environmental Permit operated and managed by the Environment Agency. If this detail is not considered acceptable to the Council's Public Protection Team then development would not be able to proceed in accordance with the approved plans if members are mindful to support the application. (It is not known that air scrubbers do produce unacceptable noise levels in consideration of nearby residential development). Noise it is acknowledged is a concern raised in the

two letters of objections received and these have been taken into consideration during consideration to this application.

- 6.7.4 **Dust:** A dust management plan also accompanies the application, and this does not identify any significant issues in relation to dust production and its subsequent management. The air scrubbers are a recent introduction in consideration of the application, (to which it is proposed to install one on each of the proposed two units subject to this application, as well as the existing two broiler units on site), it is considered the installation of air scrubbers on site will have no adverse impacts in relation to control of dust particles on site.
- 6.7.5 **Manure:** An amended manure management plan accompanies the application. This indicates that the manure produced on site is to be exported to an anaerobic digester, (AD plant), operated by Gamber Logistics Ltd who are contracted to purchase poultry litter produced on site, which is a business operated by poultry processors, breeders and contract growers throughout the Midlands and mid-Wales. Detail in support of the application indicates that the litter is sold to farms as a replacement for artificial fertilisers, or as a feedstock for anaerobic digesters. The litter is sold by FACTS qualified salesmen, who are able to give advice, when required, on all compliance issues associated with organic manures, including but not limited to COGAP for Soil, Water and Air, NVZ regulations, cross compliance, Farming Rules for Water and nutrient management planning. Our customers are required to sign a statement acknowledging their responsibilities relating to the relevant legislation when transporting, storing and spreading poultry litter. Duty of Care notes are produced for litter sent to AD plants. Gamber Logistics keep electronic records of all sales, including customers names and addresses, dates of collection/delivery, and tonnages. These records are forwarded to site operators on a regular basis. Manure would be cleaned out of the shed at the end of each bird cycle and transported directly to the AD plant.
- 6.7.6 The Environment Agency permit controls all emissions and this includes consideration to noise, dust and odour. There is no known concerns in relation to water supplies and it is considered that there are adequate controls in place to address any potential issues in relation to this aspect.
- 6.7.7 One of the letters of objection received in relation to this application raises concerns with regards to night time artificial light pollution. Whilst it is acknowledged by Officers there is public protection legislation that covers amenity impacts in relation to light pollution, it is also acknowledged this can be a potential nuisance. As such it is recommended that any approval notice issued, (if members are mindful to support the Officer recommendation), includes a condition to control the form of artificial lighting on site.
- 6.7.8 It is recommended that a condition is attached to any approval notice in order to ensure all manure removed off the intensive poultry site is done so in sealed and covered containers. A condition with regards to potential noise and the air scrubbers. (This on the understanding that SC Public Protection raise no objections to the addendum report on noise in relation to the air scrubbers). Condition in respect of artificial lighting. Also a condition with regards to feed deliveries, so as to ensure no night time deliveries as transferring feed from a HGV into a feed silo on site can be a noisy operation and it is acknowledged that background noises in this area are relatively low. It must also be noted that as well as the Environment Agency's site permitting regime, the Council's

Public Protection section has statutory powers to deal with any proven amenity issues as a result of the development.

6.7.9 In conclusion in relation to amenity matters, it is considered that the planning application and accompanying Environmental Statement includes on balance a satisfactory level of assessment to ensure that potential impacts on local amenity are understood. The proposed development would result in some impacts on the local area; these impacts include those resulting from odour generation. However, it is considered that the proposed site is located a sufficient distance from dwellings to ensure that impacts on residential amenity would not be unacceptable. Odour and noise from the development would be noticed by users of nearby public footpaths, however given the transient nature of this use it is not considered that these impacts would be adverse. Having taken account of the submitted assessments and advice from technical consultees it is not considered that these impacts would be unacceptable. An additional level of control would be provided by the Environment Agency under the Environmental Permitting regime. On balance the proposal is considered acceptable in relationship to surrounding residential amenity issues. As such the proposal is considered to be in accordance with relevant policies of the Shropshire Core Strategy, the Council's SAMDev and the National Planning Policy Framework on issues in relationship to residential amenity and public protection.

7.0 **CONCLUSION**

7.1 The proposal is for an extension to an existing broiler production unit to increase bird capacity from 100,000 to 200,000 broilers. The application proposes two new broiler houses and five feed silos and supporting infrastructure which includes additional landscaping on a greenfield site adjacent to the existing broiler unit. The application is EIA development and as such is accompanied by an assessment to identify the potential impacts of the development on the environment and this on balance is considered acceptable.

7.2 It is acknowledged that the development is significant in scale and does have a limited impact on the local landscape, however it is considered that the proposed development with consideration to the surrounding landscape character and topography and field layout with further landscape mitigation can be successfully integrated into the surrounding landscape. Consideration has also been given to impacts on the historic landscape which includes the setting of designated and non-designated heritage assets. Therefore, on balance with consideration to the location, size and scale and cumulative impacts, it is considered that there will not be an adverse impact with further landscape mitigation. Also with consideration to overall economic benefits and production of local food with further landscape mitigation in the form of native plantings and consideration to the external colour of the development, on balance acceptable in principle.

7.3 It is noted none of the statutory consultees and Council consultees raise any significant objections to this application.

7.4 Public highway access and transportation issues have also been carefully considered and with consideration to the response received from the SC Highways Manager, on highway and transportation matters it is considered that development as proposed is acceptable and as such the comments as made by the Highways Manager in this instance are considered acceptable.

- 7.5 It is noted neither Natural England or the Environment Agency object to the application. SC Ecology on submission of further information in relation to ammonia emissions raise no significant objections.
- 7.6 Comments as made in the two letters of objections received have been taken into consideration in relation to the recommendation in relation to this application. It is noted Knockin Parish Council raises no objections. Issues in relation to residential amenity are considered acceptable and as discussed in this report.
- 7.7 As such the proposed development overall and on balance is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the SAMDev, the National Planning Policy Framework and other relevant planning guidance and legislation which includes the provisions of the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The recommendation is therefore one of delegated approval to the Assistant Director that on satisfactory submission of an addendum to the noise report, on noise, in relation to the air scrubber, subject to the conditions as outlined in appendix one attached to this report, and any modifications to these conditions as considered necessary by the Assistant Director.

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. BackgroundRelevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

National Planning Policy Framework

SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

OS/02/12329/FUL Conversion of redundant farm building range to form four dwellings GRANT
15th April 2003

OS/02/12358/LBC Conversion of redundant farm building range to form four dwellings GRANT
15th April 2003

OS/97/09922/FUL Erection of an agricultural building GRANT 3rd September 1997

OS/97/10010/LBC Alterations and refurbish 2 no existing staff bedrooms to be brought into full

main house use GRANT 15th December 1997
 OS/03/12778/FUL Relocation and erection of grain store on land opposite GRANT 22nd
 October 2003
 OS/03/12779/FUL Relocation and erection of livestock building and lean-to on land opposite
 GRANT 22nd October 2003
 OS/03/12780/FUL Relocation and erection of straw store on land opposite GRANT 22nd
 October 2003
 13/03772/FUL Erection of a single plot affordable 2 bed detached dwelling including detached
 double garage GRANT 12th September 2014
 15/04228/SCO Proposes Poultry Units EIA 26th November 2015
 16/00015/EIA Construction of two poultry sheds and feed bins, ancillary works, access
 improvements, erection of biomass building and associated landscaping GRANT 29th March
 2016
 16/02704/DIS Discharge of condition 3 (Archaeology), condition 4 (Landscaping), condition 5
 (Lighting) and condition 6 (Scale _ Height) for the construction of two poultry sheds and feed
 bins, ancillary works, access improvements, erection of biomass building and associated
 landscaping relating to 16/00015/EIA DISPAR 17th October 2016
 OS/76/6666/FUL Erection of agricultural storage building GRANT 19th March 1976
 19/04432/EIA Erection of an extension to a poultry unit including silos and all associated works
 PDE

11. Additional Information

[View details online:](#)

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

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Details and plan on how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system will be submitted for approval to ensure that polluted water does not enter the water table or watercourse. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

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

4. Prior to the commencement of development, a detailed plan showing the levels of the existing site, the proposed slab levels of the buildings approved and a datum point outside of the site shall be submitted to and be approved in writing by the Local Planning Authority and the development will be carried out in accordance with the approved plans.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

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

5. Notwithstanding the approved plans prior to first use of the buildings approved by this permission, Inno+ air scrubbers shall be installed on both the existing two broiler uildings adjacent to the application siit at Knockin Hall Farm, Oswestry, Shropshire and the two new broiler buildings within the application site permitted under this approval as shown on Drawing number RB-MZ386-03 Proposed Block Plan dated 24/01/2022. The scrubbers shall be fully operational, at all times when birds are housed within, and maintained in accordance with the manufacturer's instructions, for the lifetime of the buildings.

Reason: To ensure that the proposed development does not adversely affect designated sites through air emissions in accordance with NPPF, Core Strategy CS17 and SAMDev Plan policy MD12.

6. Not with standing the approved plans prior to the first use of the development, a revised landscaping scheme shall be submitted to the Local Planningb Authority for approval. The scheme shall include details of the species composition, size of stock and planting density of the proposed tree and scrub planting to the east of the buildings in order to reduce long-term ammonia dispersion from the development. The landscaping shall be carried out in full in the first planting season (1st October to 31st March) following commencement of the development. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

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

7. 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 surrounding residential amenity and/or sensitive features. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To protect the amenity of the surrounding area.

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

8. All external building structure development on site, (including all the feed silo's), are to be all externally to colour code BS12B29, (juniper green) in colour.

Reason: In consideration of the visual impact and to mitigate the development into the surrounding landscape.

9. a) No more than 100,000 birds shall be kept in the buildings hereby approved at any one time. The Brioler unit as a whole shall house no more than 200,000 birds at any one time.

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

Reason: To prevent adverse impact on designated sites and ancient woodland from ammonia emissions, consistent with MD12 and the NPPF.

10. Manure arising from the poultry building hereby permitted shall be taken off site to an anaerobic digester or other suitable disposal or management facility. Manure shall not be exported from the site unless covered.

Reason: To minimise adverse impacts on residential amenity and avoid pollution to groundwater.

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

Reason: In the interests of surrounding residential amenity

12. (a) Prior to the commencement of the development a scheme shall be submitted in writing for the approval of the local planning authority which sets out procedures for ensuring that, wherever practicable, bird rearing in any building hereby permitted only takes place during times when the air scrubbing unit for that building is operational. The submitted details shall identify contingency measures to be adopted to in the event that the operation of the scrubbing unit is not possible,

such as plant breakdown, and set out procedures to ensure that any bird rearing that takes place without the use of air scrubbing unit is minimised. The poultry rearing operation shall be undertaken in accordance with the approved scheme.

(b) No birds shall be brought to any of the poultry rearing buildings hereby permitted unless the associated air scrubbing unit is in effective working order.

Reason: To minimise the times when the air scrubbing unit is not operational in order to minimise emissions of ammonia and odour and prevent adverse impact on sensitive ecological sites.

Informatives

1. The applicants are reminded that they will need to apply for a variation to their site

permit in order to allow consideration to the air scrubbers proposed to be installed on each of the four broiler units that the application site forms part of.

2. 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.

3. Footpath 7 runs extremely close to the buildings that are to be developed, this 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.

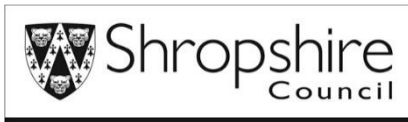
The alignment of the right of way must not be altered.

The surface of the right of way must not be altered without prior consultation with 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.

If it is not possible to keep this footpath open whilst development takes place, then a temporary diversion will need to be put into place and the applicant will need to contact the Mapping & Enforcement Team (fees apply).

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<u>Committee and Date</u>
Northern Planning Committee
1 st March 2022

<u>Item</u>
Public

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

SCHEDULE OF APPEALS AS AT COMMITTEE 1 MARCH 2022

Appeals Lodged

LPA reference	21/00083/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Dr & Mrs Butler
Proposal	Change of use and conversion of The Old Canal Warehouse building into a dwelling (re-submission)
Location	The Old Canal Warehouse St Martins Road St Martins Shropshire
Date of appeal	2.12.2021
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/00156/VAR
Appeal against Committee or Del. Decision	Vary or remove condition Delegated
Appellant	Mr Martin Cheese
Proposal	Variation of condition 3 (approved materials) pursuant of 21/00156/VAR to allow for a change in approved materials (render instead of brick)
Location	Land off Rosehill Road Stoke Heath
Date of appeal	01.09.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/00567/FUL
Appeal against Committee or Del. Decision	Refusal Delegated
Appellant	LMO Property Investment Ltd
Proposal	Conversion of stable block to rear of Riversdale to form two bedroom dwelling, refurbishment of existing cottage and erection of new four bedroom dwelling on adjacent land; formation of new crossover and driveways.
Location	Land Adj Riversdale Church Street Ruyton Xi Towns
Date of appeal	21.12.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/02435/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Ian Heathcock
Proposal	Change of use of domestic garage to beauty parlour
Location	26 Hollands Drive St Martins Oswestry
Date of appeal	22.12.2021
Appeal method	Written Respresentations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/04216/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Colin & Jenny Boswell
Proposal	Erection of 1No detached Bungalow following the demolition of existing outbuilding
Location	Proposed Dwelling East Of Wingthorpe Mount Drive Oswestry
Date of appeal	22.12.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/03747/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Lane
Proposal	Erection of garage/store room with store and games room above (resubmission)
Location	Ashleigh Horton Wem
Date of appeal	22.11.2021
Appeal method	Fast track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/04686/CPE
Appeal against	Refusal to Grant Certificate of Lawful Use or Development
Committee or Del. Decision	Delegated Decision
Appellant	Mr Phil Roberts
Proposal	Application for a Certificate of Lawful Development and use of land at Brickfield Cottage, Edgebold as a car repair/maintenance business having been carried out on site for well in excess of ten years including the parking and storage of cars as illustrated edged red on the plan. In effect this is a mixed use planning unit of residential and business C3 and E (formerly B2 and or sui generis) under the Use Classes Order. (amendment to previous application removing the section where the physical building was sited from the red line)
Location	Brickfield Cottage Hanwood Road Shrewsbury
Date of appeal	30.11.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/03296/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	A J Rutter Limited
Proposal	Erection of 2no detached houses with on-site car parking following demolition of existing commercial premises
Location	62 Longden Road Shrewsbury
Date of appeal	29.10.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/04400/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Keith Collis
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the installation of external staircase to existing first floor balcony terrace
Location	3 The Meadows Ash Parva
Date of appeal	29.11.2021
Appeal method	Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/02514/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Miss J Marshall
Proposal	Internal alterations to existing house including construction of first floor addition above existing utility, construction of single storey extension to accommodate ground source heating equipment along with construction of two storey extension and conversion of an existing outbuilding to be connected by a glazed link. Works to include construction of a detached garage and altering the route of the driveway including change of use of land to domestic
Location	The Claypits Stocks Lane Welshampton
Date of appeal	25.10.2021
Appeal method	Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/00071/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr M Donovan
Proposal	Erection of two storey extension with double garage attached and associated works
Location	Meadow Bank Farm, Bryn y Cochin Criftins, Ellesmere Shropshire, SY12 9LW
Date of appeal	02.02.2022
Appeal method	Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/02563/OUT
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr John Jones
Proposal	Outline application (all matters reserved) for the erection of two dwellings
Location	Proposed Residential Development Land East Of The Nesscliffe Hotel Nesscliffe Shrewsbury
Date of appeal	10.12.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	21/01890/HHE
Appeal against	Refused Prior Approval of Permitted Development
Committee or Del. Decision	Delegated Decision
Appellant	Mr Ian Chaffey
Proposal	Erection of a rear single storey extension to detached dwelling, dimensions 5.50 metres beyond rear wall, 2.90 metres maximum height, 2.90 metres high to eaves
Location	5 The Furlongs Bicton Heath Shrewsbury
Date of appeal	21.06.2021
Appeal method	Householder
Date site visit	09.11.2021
Date of appeal decision	25.11.2021
Costs awarded	
Appeal decision	ALLOWED

LPA reference	19/05037/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr M Yorke
Proposal	Erection of 2 bungalows, formation of car parking area to include removal of trees
Location	North of The Cedars 60 Prospect Road Market Drayton
Date of appeal	30.06.2021
Appeal method	Written Representations
Date site visit	26.10.2021
Date of appeal decision	19.11.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	21/01281/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	SR and JD Moseley
Proposal	Erection of 2 bungalows, formation of access and parking
Location	8 Crabtree Lane Wem
Date of appeal	02.09.2021
Appeal method	Written Representations
Date site visit	26.10.2021
Date of appeal decision	19.11.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	19/04389/OUT
Appeal against Committee or Del. Decision	Appeal Against Refusal Delegated Decision
Appellant	Diageo Pension Trust Ltd, Care Of Savills Investment Management
Proposal	Outline Planning Application (all matters reserved other than access) for the development of up to 150 residential dwellings
Location	Proposed Development Land To The South Of Meole Brace Retail Park Shrewsbury
Date of appeal	18.01.2021
Appeal method	Hearing
Date site visit	16.11.2021
Date of appeal decision	02.12.2021
Costs awarded	
Appeal decision	ALLOWED

LPA reference	21/00265/PMBPA
Appeal against Committee or Del. Decision	Refusal Delegated
Appellant	Mr And Mrs N D Bratton
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use of former agricultural building to one residential unit including creation of domestic curtilage (resubmission of 20/02236/PMBPA).
Location	Proposed Conversion Of Storage Building NE Of Hatton Barns High Hatton Shrewsbury
Date of appeal	28.05.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	17.12.2021
Costs awarded	
Appeal decision	Dismissed

LPA reference	21/00844/FUL
Appeal against Committee or Del. Decision	Refusal Delegated
Appellant	Mr & Mrs Gareth Prichard
Proposal	Erection of a two storey side extension following removal of existing conservatory
Location	16 Wem Road Harmer Hill Shrewsbury
Date of appeal	20.07.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	23.12.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	19/05044/FUL
Appeal against Committee or Del. Decision	Refusal Delegated
Appellant	Mr P Griffiths
Proposal	Erection of one dwelling; creation of vehicular access; works to trees and landscaping scheme
Location	Proposed Dwelling To The West Of Houlston Lane Myddle
Date of appeal	15.02.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	15.12.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	20/03995/FUL
Appeal against Committee or Del. Decision	Appeal Against Refusal Delegated Decision
Appellant	James Roberts
Proposal	Erection of three bedroomed single plot exception dwelling, with detached double garage
Location	Proposed Dwelling South West Of Westbury Shrewsbury
Date of appeal	01.06.2021
Appeal method	Written Representations
Date site visit	23.11.2021
Date of appeal decision	14.12.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	21/01645/FUL
Appeal against Committee or Del. Decision	Refusal Delegated
Appellant	Ms Jane Thompson
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of an ancillary annex in residential curtilage (retrospective)
Location	3 Lee Hill Lee Brockhurst
Date of appeal	28.08.2021
Appeal method	Fast Track
Date site visit	07.12.2021
Date of appeal decision	13.01.2022
Costs awarded	
Appeal decision	DISMISSED

LPA reference	20/01054/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Metacre Ltd
Proposal	Erection of 100 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works
Location	Land west of Lowe Hill Road
Date of appeal	20.11.2021
Appeal method	Written representations
Date site visit	02.11.2021
Date of appeal decision	28.01.2022
Costs awarded	NO COSTS
Appeal decision	ALLOWED

LPA reference	20/05367/REM
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr L Gilbert
Proposal	Application for reserved matters (appearance, landscaping, layout and scale) of outline approval 19/00544/OUT (resubmission of 20/02088/REM)
Location	Little Acorns, Spoonley, Market Drayton
Date of appeal	20.10.2021
Appeal method	Hearing
Date site visit	11.01.2022
Date of appeal decision	08.02.2022
Costs awarded	DISMISSED (both appellant and council)
Appeal decision	ALLOWED

LPA reference	21/03747/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Lane
Proposal	Erection of garage/store with store and games room above (resubmission)
Location	Ashleigh, Horton, Wem
Date of appeal	15.12.2021
Appeal method	Fast Track
Date site visit	
Date of appeal decision	08.02.2022
Costs awarded	
Appeal decision	DISMISED

LPA reference	21/03747/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Miss J Marshall
Proposal	Internal alterations to existing house including construction of a first floor addition above existing utility, plus construction of single storey extension to accommodate ground source heating equipment along with construction of a two storey extension and the conversion of an existing outbuilding which is to be connected by a glazed link. Works to include constructing a detached garage and altering the route of the driveway including change of use of land to domestic
Location	The Claypits, Stocks Lane, Welshampton, Ellesmere
Date of appeal	14.12.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	08.02.2022
Costs awarded	
Appeal decision	DISMISED

LPA reference	21/02220/VAR
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs C Duell
Proposal	Variation of Condition No.2 (approved plans) attached to planning permission 20/04053/FUL dated 19/01/21
Location	Brook House, Wem Lane, Saulton, Wem
Date of appeal	12.11.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	14.02.2022
Costs awarded	
Appeal decision	DISMISED



Appeal Decision

Site visit made on 9 November 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2021

Appeal Ref: APP/L3245/D/21/3277475

5 The Furlongs, Bicton Heath, Shrewsbury, SY3 5FU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ian Chaffey against the decision of Shropshire Council.
 - The application Ref 21/01890/HHE, dated 9 April 2021, was refused by notice dated 24 May 2021.
 - The development proposed is erection of a rear single storey extension to detached dwelling, dimensions 5.50 metres beyond rear wall, 2.90 metres maximum height, 2.90 metres high to eaves.
-

Decision

1. The appeal is allowed and prior approval is not required under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of a rear single storey extension to detached dwelling, dimensions 5.50 metres beyond rear wall, 2.90 metres maximum height, 2.90 metres high to eaves at land at 5 The Furlongs, Bicton Heath, Shrewsbury, SY3 5FU in accordance with the terms of the application Ref 21/01890/HHE, dated 9 April 2021, and the plans submitted with it.

Procedural Matters

2. The description of development given above is taken from the Decision Notice and the appeal form, rather than the planning application form, as this provides a more concise description of the proposal.
3. The Council's Development Management Report states that no objections were received from any of the adjoining occupiers. Accordingly, prior approval is not required in respect of the impact of the development on the amenity of adjoining premises.

Main Issue

4. The main issue is whether the proposal is permitted development under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') with regard to its external dimensions.

Reasons

5. Class A of the GPDO enables the enlargement, improvement or other alteration of a dwellinghouse, provided certain criteria are met. In this case, the development would extend beyond the rear wall of the original dwellinghouse, and beyond a wall forming a side elevation of the original dwellinghouse. Accordingly, the requirements of paragraphs A.1.(j) and A.1.(g) of the GPDO are both of relevance.
6. Paragraph A.1.(j) states that in order to constitute permitted development, side extensions must not exceed 4 metres in height, have more than a single storey, or have a width greater than half the width of the original dwellinghouse. In this case, each of these criteria would be met, including in relation to width (the extension would be 3.9 metres wide, compared to a dwelling width of 7.9 metres). The Class A requirements for side extensions would therefore be met.
7. Paragraph A.1.(g) states that in order to constitute permitted development, rear extensions must not extend beyond the rear wall of the original dwellinghouse by more than 8 metres (in the case of a detached dwellinghouse), or exceed 4 metres in height. Again, both of these criteria would be met. Moreover, there would be no cumulative exceedance of the limits set out in sub-paragraphs (e) to (j), as required by paragraph A.1.(ja).
8. For the above reasons, I conclude that the proposal is permitted development under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) with regard to its external dimensions.

Other Matter

9. Paragraph A.3. of the GPDO requires that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling. A further condition relating to external materials is therefore unnecessary.

Conclusion

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

Thomas Hatfield

INSPECTOR



Appeal Decision

Site visit made on 26 October 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/L3245/W/21/3278064

The Cedars, 60 Prospect Road, Market Drayton TF9 3BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Yorke against the decision of Shropshire Council.
 - The application Ref 19/05037/FUL, dated 15 November 2019, was refused by notice dated 1 March 2021.
 - The development proposed is described as residential development of 2 bungalows.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published in July 2021 and has replaced the 2019 iteration. The main parties were given an opportunity to comment upon the implications of the revised Framework.

Main Issue

3. Whether the proposal would achieve a safe and suitable access to the public highway.

Reasons

4. The appeal site is located to the rear of 60 Prospect Road. Access to the proposed dwellings would be shared with No 60 along its existing driveway, with the proposed development also seeking to alter the access onto Prospect Road, to allow for simultaneous entry and exit.
5. The proposed access point would be immediately adjacent to a care home and visibility in a south westerly direction, when egressing the appeal site in a forward gear, would be across this site. The shared boundary at this point currently comprises an iron fence above a brick wall and there is a low wooden fence along the care home's boundary with the highway. As such, drivers egressing the site can currently see over the adjacent land and thus can observe vehicles approaching along the highway.
6. However, the land within the south west visibility splay remains outside of the appellant's control. There is no mechanism or guarantee before me to ensure that it would be retained free from obstruction in perpetuity. If the visibility splay was ever obscured, drivers egressing the appeal site would have to edge out onto the highway and approaching road users would have limited warning, resulting in an unacceptable risk of conflict.

7. At the time of my site visit I observed that Prospect Road was busy with vehicles frequently passing the appeal site. Whilst this is only a snap-shot in time, I note that the highway is a main road between residential areas and nearby shops and services. There is nothing to suggest my observations were unusual or that speeds in the area are slower than the speed limit. The considerable reduction of the visibility distances, as indicated in the submitted plans, is not therefore justified.
8. It is suggested that the current access arrangement is similar to that of nearby properties and this proposal would result in improvements through the widening of the access. Nevertheless, the proposed development would see the intensification of the appeal site access and, moreover, the existing examples do not overcome the harm I have identified above.
9. Consequently, the proposed development would not achieve a safe and suitable access to the public highway, thus resulting in harm to highway safety. It would therefore conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy, March 2011 and the Framework which seek to ensure that developments are safe and do not have an unacceptable impact on highway safety.

Conclusion

10. The proposed development would provide two additional homes which would bring some benefits associated with the investment and employment during construction and on subsequent occupation from the spending in the local area. These benefits would be limited due to the small scale of the development thus I afford them limited weight.
11. As I have found above, the proposal would result in harm to highway safety, which would lead to conflict with the development plan. I afford this matter substantial weight. Material considerations, including the Framework, do not therefore indicate that a decision should be made other than in accordance with the development plan, thus the appeal should be dismissed.

H Ellison
INSPECTOR



Appeal Decision

Site visit made on 26 October 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/L3245/W/21/3277058

8 Crabtree Lane, Wem, Shrewsbury SY4 5AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs S.R. & J.D. Moseley against the decision of Shropshire Council.
 - The application Ref 21/01281/FUL, dated 8 March 2021, was refused by notice dated 4 May 2021.
 - The development proposed is the erection of two bungalows, formation of access and parking.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposed development would provide satisfactory living conditions for future residents, with particular regard to internal living space;
 - The effect of the proposal on highway safety; and
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Character and Appearance

3. 8 Crabtree Lane occupies a generous plot at the head of the cul-de-sac. It is surrounded by residential properties, with three other bungalows of modest form and appearance fronting Crabtree Lane. Although the adjacent bungalows are sited close to one another, they have good-sized rear gardens. Together with the substantial space around No 8 and the presence of adjacent gardens, the street scene has an open and spacious feel.
4. The proposed development would result in the sub-division of the appeal site and introduction of considerable built form to two corners. Proposed bungalow A (as identified on the submitted plans) would be readily apparent along Crabtree Lane and sited close to No 8. Similarly, proposed bungalow B would have a noticeable lack of space around it, due to its positioning close to No 8

and the dwelling currently under construction to the north of the appeal site. Due to these factors, the proposed development would erode the spacious characteristics of the site and locality and would be overly dominant to the site, resulting in a cramped appearance.

5. Accordingly, the proposed development would harm the character and appearance of the area and thus would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS), Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (December 2015) (the SAMDev) and the National Planning Policy Framework (the Framework). Collectively, these policies and guidance seek to ensure that new developments are appropriate to the form, layout and pattern of existing development and the local context, amongst other things.

Living Conditions of Future Occupiers

6. The Council has raised concern that the bedroom space of proposed bungalow A and its built in storage provision fails to comply with the Technical Housing Standards - nationally described space standard (March 2015). The Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard. I have not been made aware of any development plan policy which references this standard.
7. Furthermore, no further details have been provided on the extent of any shortfall or exactly what this relates to. Even if the standards are a useful point of reference and I were to take them into consideration, given the lack of detail provided I am unable to ascertain the Council's concern on this matter. Nevertheless, based on the information before me, I consider that the proposed bedrooms could comfortably accommodate a double and single bed respectively. The double bedroom would be of a good width and could accommodate some storage and there would be further storage in a dedicated space elsewhere.
8. Therefore, the proposed development would provide satisfactory living conditions for future occupiers and thus would comply with Policy CS6 of the CS, Policy MD2 of the SAMDev and the Framework which seek to ensure that developments are of a high quality and provide an acceptable standard of accommodation.

Highway Safety

9. Proposed bungalow B would have one bedroom and has been designed to be single occupancy. Even if the bedroom could accommodate a double bed and two people, I consider that one parking space would be sufficient given the small size of the dwelling. There would be sufficient on-street parking along Crabtree Lane, away from the turning head of the cul-de-sac and existing driveways, to accommodate any visitors to this dwelling.
10. The layout of plot B and the orientation of the demarcated parking space would hinder the ability for a vehicle to turn within the site. However, the submitted plans indicate that most of the area in front of bungalow B would be hard surfaced therefore vehicles could park in a different alignment and could therefore turn more easily. Nevertheless, even if vehicles would have to either

reverse into or out of the driveway, although not an efficient arrangement, the highway is a short cul-de-sac with limited properties even taking into consideration the proposed development, thus traffic levels are likely to be low with vehicles travelling at slow speeds. I also note that existing properties have limited turning space within their driveways. Accordingly, the resultant manoeuvres that may be required would be similar to that which already occurs and would not be significantly hazardous to pedestrians or road users.

11. Consequently, the proposed development would not result in harm to highway safety and thus would not conflict with Policy CS6 of the CS, Policy MD2 of the SAMDev and the Framework which requires developments to have sufficient parking provision to ensure highway safety is not harmed.

Living Conditions of Neighbouring Occupiers

12. The proposed development would introduce two bungalows to this short cul-de-sac. Even along with the adjacent dwelling currently under construction, the total number of additional residents and their associated comings and goings would likely be low, given the small size of the proposed dwellings. The proposal would not therefore result in a substantial increase in noise or disturbance that would be unreasonable within this residential area.
13. Accordingly, the proposal would not harm the living conditions of neighbouring occupiers and would therefore adhere to Policy CS6 of the CS, Policy MD2 of the SAMDev and the Framework which seek to ensure developments respect the amenity of existing residents.

Other Matter

14. Although it appears that bungalow A was previously approved¹, I do not have the full details of that approval before me and, moreover, the appeal proposal is for an increased total amount of development thus I have determined it accordingly.

Conclusion

15. The proposal would provide two additional homes which would bring some accompanying benefits associated with the investment and employment during construction, and from the spending in the local area from future occupants. The nature of these social and economic benefits would however be limited due to the small scale of the development, thus I afford them limited weight.
16. Despite the acceptability of the proposal in terms of living conditions and highway safety, the development would harm the character and appearance of the area and would conflict with the development plan. I attach substantial weight to this matter therefore the benefits are insufficient to outweigh this harm. There are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with the development plan, thus the appeal should be dismissed.

H Ellison
INSPECTOR

¹ Council application reference: 20/02221/FUL

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Appeal Decision

Hearing Held on 16 November 2021

Site visit made on 16 November 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Appeal Ref: APP/L3245/W/21/3267148

Land to south of the Meole Brace Retail Park, Shrewsbury SY3 9NB

- 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 Diageo Pension Trust Limited, Care of Savills Investment Management against the decision of Shropshire Council.
 - The application Ref 19/04389/OUT, dated 19 September 2019, was refused by notice dated 31 July 2020.
 - The development proposed is outline planning application (all matters reserved other than access) for the development of up to 150 residential dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for outline planning application (all matters reserved other than access) for the development of up to 150 residential dwellings at Land to south of the Meole Brace Retail Park, Shrewsbury SY3 9NB in accordance with the terms of the application, Ref 19/04389/OUT, dated 19 September 2019, and the plans submitted with it, subject to the conditions set out in the Schedule to this Decision.

Preliminary Matters

2. The application is submitted in 'outline' including access details, with layout, scale, landscaping and appearance reserved for future consideration. Prior to the Hearing the appellant submitted a revised site layout drawing (9473A-110 Rev B). This is intended to show the ability of the site to accommodate 150 units whilst adhering to the Council's noise mitigation and open space requirements. Because layout is a reserved matter, this drawing is for indicative purposes only. Therefore, I have accepted this revised drawing and I do not think that the interests of any party have been prejudiced by my having done so.
3. The submitted 'access' details drawing (16121-011 Rev B) shows a new access into the site and extending across it, to the Meole Brace Park and Ride ('P&R') which lies immediately to the south of the appeal site. The extent of this access is within the appeal site and would link to the P&R. On the information before me, I am satisfied that this forms part of the proposal and I have proceeded with the appeal on this basis.
4. At appeal, under the provisions of S106 of the Town and Country Planning Act 1990 a legal agreement was provided by the appellant. I shall return to this later on in my Decision.

Main Issue

5. The main issue is whether the appeal site is in a suitable location for housing having regard to the development plan, and if not, are there any other considerations sufficient to mean that the proposal should be determined otherwise than in accordance with the development plan.

Reasons

6. The appeal site comprises a field with a road running through it, located between the Meole Brace Retail Park which lies to the north of it, and the P&R.
7. Policy CS1 of the Shropshire Council Core Strategy (February 2011) ('CS') sets out Shropshire's housing requirement of providing 27,500 new homes by 2026 and highlights that Shrewsbury will be the focus for significant growth within Shropshire and will need to accommodate approximately 25% of Shropshire's residential development over the plan period. The proposal does not conflict with the strategic aims of this Policy. Policy CS2 of the CS, states, amongst other things, that Shrewsbury will provide approximately 6,500 dwellings and 90 hectares of employment land, achieving a significant level of housing and economic growth. However, the supporting text to this Policy references the SAMdev for identifying sites for housing.
8. Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (December 2015) ('SAMDev') relates to the scale and distribution of development and outlines that sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1. Shrewsbury is identified as the county town and sub-regional centre. The appeal site is adjacent but outside the southern part of the development boundary for Shrewsbury, as identified in settlement Policy S16 of the SAMDev and is therefore situated in the countryside. The proposal is not for development that would be permitted in the countryside under policies CS5 of the CS and MD7a of the SAMDev.
9. Therefore, having regard to the development plan, the site is not in a suitable location for housing, and is in conflict with the above policies of the CS and SAMDev with the exception of CS Policy CS1.

Other considerations

10. Although the appeal site forms part of the countryside, on the ground it is bound by transport infrastructure or development on all sides with the P&R access road running through it. Consequently, it has a stronger physical relationship to the existing built development and because of this makes a limited contribution towards the quality of the open countryside. Furthermore, the appeal site is reasonably accessible to a range of services and facilities by means of travel other than private motor vehicles. Indeed, other than being located outside the development boundary, the Council has not identified any harm arising for the proposal.
11. Moreover, the appeal site has been put forward as a site allocation (SHR145) for residential development as part of the Shropshire Local Plan ('emerging Local Plan').

12. The emerging Local Plan has gone through several rounds of consultation and notwithstanding some objections to the overall level of housing growth proposed for Shropshire and Shrewsbury, there are a minimal number of site-specific objections to the proposed allocation of the appeal site. However, the emerging Local Plan has only recently been submitted for Examination in Public. Therefore, having regard to Paragraph 48 of the National Planning Policy Framework ('Framework, 2021'), I attach limited weight to the proposed allocation of the site for residential development in the emerging Local Plan. Nevertheless, this still lends some support to the site's suitability for housing and weighs in favour of the proposal.
13. In addition, a number of benefits associated with the proposal are detailed in the appellant's submissions. These are summarised in the Statement of Common Ground which is signed by the main parties. Despite this, the Council's position is, that because the site's allocation for residential development includes the requirement for a new access road to the P&R, this and the other benefits arising from the development of the appeal site for up to 150 dwellings would be realised as policy requirements or through the delivery of the development. Consequently, the Council only identifies the provision of 5% affordable housing above the Council's requirement of 20% as a benefit of the proposal.
14. In my view, these are benefits of the proposal and it is a matter of planning judgement for the decision maker, as to how much weight is attached to these. Whilst I have attached some weight to the proposed allocation of the appeal site in the emerging Local Plan, this does not guarantee a planning permission for the development or the delivery of the benefits associated with this. Whereas if the appeal is allowed and planning permission granted, this provides greater certainty of the development and its associated benefits being delivered, which weighs in favour of the proposal.
15. Although the Council has more than a 5-years supply of deliverable housing land, housing requirements are set as minima. Therefore, the delivery of up to 150 dwellings would positively support the Government's objective of significantly boosting the supply of homes. There would also be significant social benefits associated with this in terms of the greater availability and choice of new housing.
16. In particular, the proposed scheme includes the provision of affordable housing. Policy CS11 of the CS requires all applications for open market housing to contribute towards affordable housing. The Council applies affordable housing targets on a geographical basis (as set out within the Type and Affordability of Housing Supplementary Planning Document, September 2012). The target for Shrewsbury south and the appeal site is 20%.
17. The appellants evidence on affordable housing¹ shows that the Council is aiming to deliver 9,000 affordable homes over the period 2006-2026. This equates to about 33% of the total housing target (27,500) and requires delivery at a rate of nearly 450 affordable homes per annum, and in general the Council has failed to achieve this rate. Despite the Council's assertions that the appellant's evidence does not take account of affordable housing delivered on rural developments, the information before me confirms that there are more than 5000 households requiring affordable housing in Shropshire and the

¹ Land to the south of Meole Brace Retail Park, Shrewsbury – Affordable Housing Note, 22 October 2021

number of new affordable homes being delivered is significantly below this requirement.

18. Accordingly, the proposed level of affordable housing, which is above the Council's requirement would positively contribute to the Council's strategic objective for delivering affordable homes and is a significant benefit of the proposal, which would address the needs of a group with specific housing requirements, to which I attach substantial weight.
19. There would also be substantial economic benefits associated with the delivery of this scale of major development, including direct and indirect jobs during construction, along with the increase in resident spend to the benefit of local facilities and other financial receipts.
20. The revised access to the P&R would improve its efficiency and customer experiences, thereby providing a more effective and alternative transport mode to driving into the town centre, which supports the Council's wider transport objectives for Shrewsbury and would be a positive environmental benefit arising from the proposal. The provision of the new signal-controlled pedestrian crossing over Hereford Road would improve pedestrian accessibility and safety.
21. The appellant had previously suggested that the new access for the P&R could be delivered earlier. At the Hearing the Council advised that this along with the early delivery of the development would be a potential benefit, adding that if the appeal were to succeed, conditions attached to the planning permission should require the submission of reserved matters within 1 year of outline permission being granted and the commencement of the development within 1 year of the approval of the final reserved matters.
22. Notwithstanding that the improved access to the P&R would bring benefits, other than being secured before the proposed development for practical purposes, I have not been provided with any strong reasons to secure the earlier delivery of this. Given that the Council has more than a 5-year supply of housing land, the reduced timescales for the submission of reserved matters and the commencement of the development are not necessary.
23. One of the Council's suggested conditions sets out a requirement for electric vehicle charging points to all properties, a minimum of 10% of the predicted energy needs of the development from on-site renewable and low carbon energy sources and Gigabit-capable broadband infrastructure. These requirements are based on policies from the emerging Local Plan. The appellant is willing to incorporate these requirements based on my findings.
24. I have attached some weight to the emerging Local Plan and the above requirements are also broadly consistent with the Framework, 2021 with regard to supporting sustainable development. As such, the incorporation of these requirements would be a benefit arising from the proposal, which also weigh in its favour.

Other matters

25. The signed and completed S106 Agreement dated 22 November 2021, includes an obligation relating to the on-site provision of 25% affordable housing. The S106 Agreement also includes a requirement for a financial contribution towards primary and secondary education. Having regard to the evidence before me including the established need for affordable housing, it has been

demonstrated that the obligations are necessary in order to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. They accord with the tests that are set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations (as amended).

26. In addition to some of the above matters, I have had regard to a number of issues raised by third parties. These include the acceptability of the appellant's Transport and Noise Assessments, the increased traffic arising from the proposal and the effects of this, and the proposed highway works on existing congestion and highway safety, along with noise and air pollution on existing and new residents. These issues were addressed by the Council in its Development Management Report, and I have also considered these, and I have not been provided with any substantive technical reasons to take a contrary view.
27. Any financial motives of the appellant and the alleged lack of consultation with local residents do not affect the planning merits of the proposal. There is also nothing precluding the appellant from bringing the site forward for development through the planning application process instead of securing its allocation via the adoption of the emerging Local Plan. Matters raised in respect of design, layout and landscaping of the site would be dealt with under reserved matters if this appeal were to succeed.

Conditions

28. In imposing conditions, I have had regard to the Framework, 2021 and the Planning Practice Guidance. I have proposed the standard conditions for the submission of reserved matters and implementation of the permission. The standard timescales specified in these are for the reasons set out above. I have imposed a condition specifying the relevant plans as this defines the permission and provides certainty.
29. I have specified conditions for the delivery of the access to the development site and the P&R at the outset of the development. These, along with the design and construction of other roads, footways, accesses are to ensure accessibility and safety of highway users. A condition to minimise the disruption caused by construction activity on the highway by requiring a Construction Management Statement is also necessary in the interests of highway safety.
30. Conditions are also necessary to safeguard any archaeological and heritage interests of the site. In the interests of protecting and enhancing biodiversity, I have imposed conditions requiring a lighting plan along with the provision of bird and bat boxes. A condition relating to surface water and foul drainage is necessary to avoid local pollution and to secure satisfactory drainage of the site and manage flood risk.
31. For the reasons given above, it is necessary to require a scheme for electric vehicle charging points to all properties, a minimum of 10% of the predicted energy needs of the development from on-site renewable and low carbon energy sources and Gigabit-capable broadband infrastructure wherever practical.

32. Conditions requiring a landscape plan and a landscape management plan are necessary to ensure the satisfactory quality of the development.
33. Given the scale of the proposed development (up to 150 dwellings) it is necessary to secure a phasing scheme to indicate the order and timescales of development phases in relation to the delivery of strategic infrastructure to ensure the proper planning of the development.
34. A condition requiring a Layout Plan specifying the location of the proposed on-site affordable housing units is necessary to ensure that these are delivered in accordance with the Council's requirements for affordable housing. A Layout Plan specifying the location of the proposed open space is necessary to ensure that the provision of this meets the needs of the occupiers of the development in accordance with the Council's requirements.
35. To ensure that the approved development provides a satisfactory living environment for its occupiers it is necessary and reasonable to require a noise mitigation scheme. Also, to safeguard the living conditions of residents, I have specified a condition controlling the times of any construction works and deliveries associated with the development.
36. Where necessary and in the interests of clarity and precision, I have altered some of the suggested conditions to better reflect the relevant guidance.

Planning balance and conclusion

37. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
38. In this case I have identified a conflict with the development plan in relation to settlement strategy. However, the appeal site is being promoted in the emerging Local Plan as a site allocation for residential development, this weighs in favour of the proposal. Also, as set out above, there would be significant economic, social and other benefits arising from the development of the site while its impact on the countryside is limited due to it being bounded by development and transport infrastructure. Cumulatively, these considerations are sufficient to mean the proposal should be determined otherwise than in accordance with the development plan. I, therefore, conclude that the appeal should be allowed.

M Aqbal
INSPECTOR

Schedule of Conditions

- 1) Details of appearance, layout, scale, and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 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) This permission relates to the site as edged red on approved location plan - Drawing number 9473A-100 and includes the provision of a new access to the site and the Meole Brace Park and Ride as shown on Proposed Site Access: Drawing 16121-011 Rev B and Indicative Site layout: Drawing 9473A-110 Rev B.
- 5) The first submission of reserved matters shall include a phasing scheme to be approved in writing by the local planning authority. The phasing scheme shall indicate the order and timescales of development phases and the submission of reserved matters in relation to them, and the provision of highway and drainage infrastructure; strategic utility infrastructure; strategic landscaping, open space and recreation facilities and pedestrian and cycle route connections.

No development shall commence for a particular phase, until the details for that phase have been approved. Thereafter, the development shall be carried out in accordance with the approved phasing scheme.
- 6) The first submission of reserved matters shall include a Layout Plan specifying the location of the proposed on-site affordable housing units (in accordance with the associated Section 106 Agreement, dated 22 November 2021). No works shall commence on any phase of the development until the location of affordable housing within it has been approved in writing by the local planning authority.
- 7) The first submission of reserved matters shall include a Layout Plan specifying a policy compliant amount of open space.
- 8) The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include: a) Planting plans, creation of wildlife habitats and features and ecological enhancements [e.g. tree and hedgerow planting, wildflower grassland creation, hedgehog-friendly gravel boards]; 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), plant sizes and proposed numbers/densities where appropriate; d) Native species used are to be of local provenance (Shropshire or surrounding counties); e) Details of trees and hedgerows to be retained and measures to protect these from damage

during and after construction works; f) Implementation timetables. Thereafter, any approved landscaping shall be undertaken in accordance with the approved landscaping plan.

9) The first submission of reserved matters shall include details for the provision of bat boxes. A minimum of 30 external woodcrete bat boxes and/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 least 3m above the ground on a variety of aspects (either south, south-east or south-west), sheltered from prevailing winds with a clear flight path and where they will be unaffected by artificial lighting. The bat boxes shall be provided prior to occupation of the property or use of the phase of the development to which they relate to and shall be retained for the lifetime of the development.

10) The first submission of reserved matters shall include details for the provision of bird boxes. A minimum of 30 artificial nests of integrated brick design and/or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), and small birds (32/28 mm holes, standard design) shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or building at a northerly or shaded east/west aspect with a clear flight path. The bird boxes shall be provided prior to occupation of the property or use of phase of the development to which they relate to and retained for the lifetime of the development.

11) The first submission of reserved matters shall include a lighting plan. The lighting plan shall demonstrate that any proposed lighting will not impact upon ecological networks and/or sensitive features, e.g., bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed in consideration of the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The lighting shall be provided and retained in accordance with the approved details.

12) The first submission of reserved matters shall include a scheme for the following: Domestic electric vehicle charging points to all properties; A minimum of 10% of the predicted energy needs of the development from on-site renewable and low carbon energy sources; and Gigabit-capable broadband infrastructure or alternative gigabit-capable technologies using 'fibre to the premises' technology wherever practical. Thereafter, the development shall be completed in accordance with the approved details.

13) The development hereby approved shall not commence until the following details have been submitted to and approved by the Highway Authority: a) A s278 application for the proposed highway works; b) A s38 application for the proposed new access road to the Meole Brace Park and Ride; and c) A construction management plan for the proposed s278 and s38 works.

Thereafter, the highway works shall be completed in accordance with the approved details and construction management plan, prior to any other above ground works associated with the approved development taking place.

The highway works shall be maintained, and any visibility splays shall be kept permanently clear of all obstructions.

14) Not less than a period of 3 months from the commencement of the development hereby approved, Shropshire Councils Historic Environment Team shall be notified of the commencement date and provided with reasonable access to monitor the ground works and to record any archaeological evidence as appropriate.

15) No development hereby approved shall commence until a programme of archaeological work in accordance with a Written Scheme of Investigation ('WSI') has been submitted to and approved in writing by the local planning authority. Thereafter, the archaeological works shall be carried out in accordance with the approved WSI.

16) Prior to the commencement of each phase of the development hereby approved, a scheme for surface and foul water drainage for that phase shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before any dwelling on that phase of the development is occupied.

17) No development shall take place until a Construction Method Statement ('CMS') has been submitted to and approved in writing by the local planning authority. The CMS shall include the following details: a) areas for the parking of vehicles of site operatives and visitors; b) areas for the loading and unloading of plant and materials and storage of plant and materials used in constructing the development; c) wheel washing facilities; and a Traffic Management Plan. Thereafter, the development shall be undertaken in accordance with the approved CMS.

18) Prior to the commencement of the development hereby approved, details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water and street lighting shall be submitted to and approved in writing by the local planning authority. The approved works shall be implemented before any property within that particular phase is occupied.

19) Prior to the commencement of any phase of the development hereby approved, details of a noise mitigation scheme, based on the principles in ProPG and supplementary guidance for acoustically insulating all habitable rooms within the dwellings, such that internal noise levels do not exceed the criteria specified in Table 4 of British Standard BS 8233: 2014, 'Guidance on sound insulation and noise reduction for buildings', shall be submitted to and approved in writing by the local planning authority. The noise mitigation scheme shall include the layout of the site and details of acoustic glazing and acoustically controlled alternative means of ventilation and thermal comfort, where necessary.

Any properties along the western boundary of the site adjacent to Hereford Road ('A5112') shall retain a minimum lateral separation distance of 14m (or more, if necessary, to ensure that the above referenced criteria will be achieved) between the nearside carriageway edge and the buildings. All private gardens for any such properties must be located to the rear of the

buildings. The internal layout of those buildings shall seek to minimise the number of habitable room windows directly overlooking the A5112.

Any properties along the eastern boundary of the site adjacent to the railway, shall retain a minimum lateral separation distance of 28m (or more, if necessary, to ensure that the above referenced criteria will be achieved) between the nearside track edge and the buildings. All private gardens for any such properties must be located to the rear of the buildings. The internal layout of those buildings shall seek to minimise the number of bedrooms on facades facing the railway.

The noise mitigation scheme shall demonstrate that typically (e.g., on average) no more than 3 passing trains per night-time (2300-0700hrs) will give rise to an internal noise level of greater than 45dB LAmax, within any bedrooms directly overlooking the railway (to be based on the data set out in IDOM Merebrook environmental acoustic assessment report reference: ENA-21105-17-426, dated November 2017).

Thereafter, prior to first occupation, properties requiring noise mitigation shall be constructed in accordance with the approved noise mitigation scheme.

20) Prior to the occupation of the first dwelling hereby approved, details for an on-site public information scheme about the presence of the prehistoric double ring-ditch shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be provided within 3 months of the occupation of the first dwelling and retained in perpetuity.

21) Prior to the first occupation of any phase of the development hereby approved, a landscape management plan to include management responsibilities and a maintenance schedule for all open space and landscaped areas (other than privately owned, domestic gardens) shall be submitted to and approved in writing by the local planning authority. Thereafter, the open space and landscaped areas shall be maintained in perpetuity in accordance with the approved landscape management plan.

22) Demolition or construction works, and associated deliveries shall only take place between the hours of 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, and not at any time on Sundays, or on Bank or Public Holidays.

APPEARANCES

FOR THE APPELLANT

Andrew Barton	Mercian Developments
Nicholas Bradshaw	Connect Consultants
Paul Newton	Barton Wilmore
Robert Walton QC	Counsel for appellant

FOR THE LOCAL PLANNING AUTHORITY

Philip Mullineux	Shropshire Council
Jane Raymond	Shropshire Council
Edward West	Shropshire Council

INTERESTED PERSONS

Shaun Jones	Bayston Hill Parish Council
Henry Merricks-Murgatroyd	Bayston Hill Parish Council

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Copy of draft S106 Agreement.
2. Copy of signed and completed S106 Agreement, dated 22 November 2021.
3. Summary of representations on the Regulation 18 and Regulation 19:
Pre-Submission Draft of the Shropshire Local Plan.
4. Inspector's Initial Questions regarding the emerging Shropshire Local Plan dated 3 November 2021 and response letter from Shropshire Council dated 11 November 2021.
5. Transcript of representation made at the Hearing by Henry Merricks-Murgatroyd (Bayston Hill Parish Council).

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Appeal Decision

Site visit made on 23 November 2021

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/L3245/W/21/3276084

Agricultural Building at The Stackyard, Hatton Barns, High Hatton, Shrewsbury SY4 4EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by Mr and Mrs N D Bratton against the decision of Shropshire Council.
 - The application Ref 21/00265/PMBPA, dated 18 January 2021, was refused by notice dated 12 March 2021.
 - The development proposed is change of use of existing former agricultural building to Class C3 dwellinghouse including creation of domestic curtilage (resubmission of 20/02236/PMBPA).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - whether the proposal would fall within the definition of development permitted by Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) with specific regard to the suitability of the appeal building for conversion and its resulting external dimensions; and
 - whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3, with particular regard to outdoor space and potential contamination.

Reasons

Whether Permitted Development

3. The appeal building is a disused grain store. The external walls and roof of the building are partially clad in corrugated sheeting, while remaining sections of wall are exposed and show structural steel work. Internally, the building is divided into grain storage bays formed by steel plate walls and bracing.

4. A High Court judgement (*Hibbitt*¹) relating to development under Class Q has been referred to by both main parties. This demonstrates that where works would be so significant so as to amount to a 'rebuild' or 'fresh build' this would go beyond what is considered a conversion and as such beyond the provisions of Class Q. While I have been mindful of the obvious similarities of elements of this case to the proposal before me, it is clear that assessing the difference between a conversion and a rebuild in the context of Class Q is a matter of planning judgement with reference to the circumstances of each case.
5. The Planning Practice Guidance (PPG) recognises that for a building to function as a dwellinghouse some building operations will be necessary and should be permitted. This includes the installation or replacement of windows, doors, roofs and exterior walls. However, it is not the intention to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
6. From my observations on the site visit, the building appears to be structurally robust, particularly due to its former use and extensive network of steel reinforcements. The appeal is supplemented by a Structural Inspection Report (Dragon Structural, ref: 20-052) (the report) which concludes that the building is of a robust and permanent structural condition which is considered fit for retention and conversion into the proposed single dwelling. The report highlights that 'the overall structure has inherent lateral stability due to the rigid form of the reinforced steel storage bays and the lateral and vertical bracing as part of the steel framed structure.' While the Council dispute the level of detail and highlight the limitations of this report, I have nothing before me to contradict its findings.
7. The proposed works show the removal of elements of the internal steel supporting walls to create openings necessary for a useable living space as well as the insertion of a new upper floor among others. The report advises this will require the removal of some of the diagonal and lateral bracing which ties the structure together. To compensate for this, new structural steelwork in the shape of 'goalposts' would be positioned around the edges of any new openings.
8. While I note the concerns of the Council as to whether the building is capable of being converted due to these structural works, I note their statement quotes the previous wording from paragraph 105 of the PPG. I have had regard to the updated version of this paragraph, which postdates *Hibbit*. This advises that 'Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q'. Consequently, this would not take the structural works proposed out of the range of suitability for conversion subject to adherence with other requirements of Class Q.
9. Moreover, the GPDO at section Q.1(i)(aa) allows for the installation or replacement of windows, doors, roofs and exterior walls. The number of new

¹ *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin).

- openings proposed for windows and doors is minimal, while the existing roof and floor would both be retained.
10. Consequently, there is nothing before me to conclude that the building is not 'suitable' for conversion. While I have had regard to the numerous appeal decisions presented to me by the Council, there is little information included other than the decision letters themselves. In any event, I have assessed the proposal on its own merits. As a matter of planning judgement and based on the evidence before me, I find that the proposed development would meet the requirements of Q(b).
 11. The appellant acknowledges that the proposed external cladding and timber boarding would 'thicken' the external walls but would not extend the footprint of the building to a material degree. However, this would not comply with the requirements of Paragraph Q.1 (h) of the GDPO since the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.
 12. I have considered the advice from Legal Counsel, which advises the increase is *de minimis*. Be that as it may, the absence of other decisions whereby this matter constitutes a reason for refusal does not convince me this aspect of the design should be assessed in any other manner than in accordance with the terms of the GPDO in this respect.
 13. For the reasons given above, the proposed development is not permitted under Class Q due to the conflict with paragraph Q.1(h). As a result, there is no need to consider the further issues in terms of the criteria contained within Q.2(1) (a) to (f) inclusive of the GPDO.

Other Matters

14. My attention is drawn to an allowed appeal² which it is argued allowed more extensive works to facilitate the conversion. However, the refusal reason in that case does not include criterion Q.1(h) and while there is discussion of new cladding, it was not considered a main issue relevant to that appeal. As such, this does not convince me the proposal before me acceptable on this basis.
15. I have considered the appellant's suggestion that a condition could be attached to any grant of permission to omit the external cladding and boarding to address section Q.1(h). However, this is not the proposal before me nor was it considered by the Council. While the appellant points out that the new cladding is for cosmetic reasons only, the report advises the cladding would be of benefit to aid in weatherproofing. From my observations on the site visit, the existing cladding showed external signs of deterioration and holes were evident in places. As such any omission of cladding would not be practical in the conversion of the building to residential use.
16. Although the appellant argues the proposed dwelling would provide additional housing in an area of restricted supply, this is not a relevant matter for this prior approval procedure.

² APP/P3040/W/16/3165076

Conclusion

17. For the reasons set out above, and taking all other matters raised into account, I conclude that the proposal would not be permitted development under the provisions of Class Q and the appeal should be dismissed.

C McDonagh

INSPECTOR



Appeal Decision

Site visit made on 14 December 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2021

Appeal Ref: APP/L3245/D/21/3279347

16 Wem Road, Harmer Hill SY4 3EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Kim Pritchard against the decision of Shropshire Council.
 - The application Ref 21/00844/FUL, dated 16 February 2021, was refused by notice dated 29 April 2021.
 - The development proposed is for the erection of one 2 storey side extension, removal of existing PVC conservatory.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the development on the character and appearance of the host property.

Reasons

3. The appeal property is an attractive detached dwelling comprising of stone and decorative brickwork as part of its design. Its front elevation has prominent gables at first floor level with a central entrance point. The dimensions of its front elevation are noticeably well-proportioned.
4. The Council have highlighted that the dwelling is a non-designated heritage asset. In that regard, the property is referenced as featuring on historic maps and is believed to have once been two cottages. Its original features are noted by the Council as being historically significant to the local area. Although the appellant highlights the issue as being subjective, there is no strong evidence to suggest that the property should not be treated as a non-designated asset.
5. I acknowledge that the appeal scheme would replace the existing conservatory which is substantial in size. The conservatory does not replicate the original stone and brick features of the host dwelling. Whereas the two-storey extension shown in the appeal plans does include a parapet brick gable end similar to the existing brickwork details of the dwelling.
6. Nonetheless, the position of the proposed extension would still obscure and diminish the prominence of a key gable. Moreover, the proposed increase in width of the property at first floor level would lead to an unduly excessive frontage width. The changes would detract from the character and appearance of the dwelling.

7. An extant approval is referenced by the main parties for other enlargements. I agree that the combination of all changes shown on the plans if erected together would magnify the visual impact of the two-storey extension enlargement relative to the current proportions of the property.
8. There is nothing submitted which would prevent any of the existing approved elements indicated in the evidence from being built together with the appeal proposal if it were to be allowed. A planning condition would not be an appropriate mechanism to prevent those circumstances from occurring.
9. That said, even without the other potential extensions not subject to this appeal referred to by the main parties, the proposed two-storey extension would still erode from the dwellings most attractive features and qualities.
10. Accordingly, the position, size and mass of the two-storey extension would be harmful to the character and appearance of the property. The proposal would conflict with policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy; as well as policies MD2 and MD13 of the adopted Site Allocations and Management of Development Plan which all combined seek to encourage development that is respectful to local character. It would also conflict with the National Planning Policy Framework which encourages good design.

Other Matters

11. I have sympathy for the appellant's circumstances in that they are seeking to provide additional living space for their growing family inclusive of additional possible care provision. The internal configuration of the dwelling is also a factor I have had regard to. However, those circumstances would not outweigh the harm I have identified. That is because allowing the development would be a long-lasting change to the property which is likely to far exceed those circumstances. There is nothing convincing to suggest that alternative solutions not involving substantive visual harm would not be possible.

Conclusion

12. For the reasons given above the appeal does not succeed.

M Shrigley

INSPECTOR



Appeal Decision

Site Visit made on 2 November 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 15th December 2021

Appeal Ref: APP/L3245/W/20/3262542

Land to the West of Houlston Lane, Myddle, Shrewsbury SY4 3RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Griffiths against the decision of Shropshire Council.
 - The application Ref 19/05044/FUL, dated 15 November 2019, was refused by notice dated 21 May 2020.
 - The development proposed is described as, 'proposed Paragraph 79 Dwelling on Land to the West of Houlston Lane.'
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (Framework) was updated since the Council issued its Decision Notice. I have consulted the main parties on the implications for the appeal and had regard to the comments received.

Main Issues

3. The main issues are:
 - whether the proposed dwelling would comply with development plan housing policy; and
 - whether other material considerations indicate that the appeal should be allowed.

Reasons

Development plan housing policy

4. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) directs new development to within settlements and states that outside these settlements, development will primarily be for economic diversification and to meet the needs of local communities for affordable housing.
5. CS Policy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. It sets out a number of circumstances where new dwellings would be permitted within the countryside. Since the proposal is for new market housing, none of the circumstances apply and the proposal would conflict with these Policies.

6. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan Adopted Plan December 2015 (SAMDev) states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Since the proposal would not meet any of the exceptions within, it would conflict with this Policy as well.
7. Consequently, the proposed development would conflict with development plan housing policy.

Other considerations

8. Planning law requires that determination of the appeal must be made in accordance with the development plan unless material considerations indicate otherwise. Accordingly, the Appellant has proposed the scheme on the basis of paragraph 80(e) of the Framework which permits isolated homes in the countryside as long as, among other things, the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
9. The site comprises part of an agricultural field and a belt of woodland. The field is part of the wider open countryside and the woodland provides an attractive feature in the landscape. Given the relatively flat agricultural land to the north and west, the site is visible in views from these directions. The site can also be seen from the south though it is partially screened by a hedge.
10. The proposal includes the erection of a two-storey dwelling on the part of the site that comprises an agricultural field. It would be accessed via a sweeping driveway that would curve around the existing woodland. The proposed dwelling would comprise a group of rectangular elements in a linear arrangement on a north-south axis, that would lie roughly parallel to the woodland to the east. The curved roof would extend from near ground level at the south end of the dwelling to a two-storey element at its north end.
11. The proposed curved green roof would soften the views of the building from the south, and given the hedgerow that runs along the south of the site, views of the building from this direction would be partially screened in any event. The building would also be largely screened in views from the east as well as from both directions along Houlston Lane, by the belt of woodland.
12. However, given the proposed two-storey height of the building above ground level, along with its linear layout and length of the west elevation, the majority of the dwelling would appear unduly prominent in the landscape primarily in long views from the west. While the wild meadow grass proposed for the green roof would echo the grass of the surrounding fields, the curved roof would provide little contribution to softening the form of the building in the rural landscape since the building would still largely project two storeys above ground level. As such, the proposal would significantly harm the rural character and appearance of the area.
13. The use of timber or timber-clad slanted columns to support the roof as well as the timber cladding on the external walls, would complement the woodland backdrop. However, the large number and considerable size of the windows on

the west façade would appear contrary to the rural landscape particularly given the height and massing of the building. The wrap around windows at the corners of the building would break up the vertical edges of the structure. However, while they may allow reflections of the trees, they would not break down the bulk of the building sufficiently to result in a building that blends into the landscape.

14. While I recognise that the window shapes and proportions have been amended following the first design review, they nevertheless appear detached as a design element, neither reflecting the organic lines of the woodland nearby, nor appearing to follow the visual lines of the wider building. I also acknowledge the design detail of the recess at the top of the cladding to provide a subtle transition to the roof structure.
15. However, these features would not fully mitigate the dominant effect that the proposal would have in the landscape. Given its height and form, the building would appear prominent in the landscape, rather than appearing as an integral part of the wider countryside.
16. In terms of materials, other than the sandstone gabion wall, there is little evidence that the materials have been inspired by the local landscape. Timber cladding would be highly likely to weather and its appearance over time could not be guaranteed. While the species of timber for the cladding and columns could be secured via a suitably worded condition, there is little evidence before me to demonstrate that the use of these materials would result in a building of exceptional design quality.
17. A number of environmental aspects of the design have been proposed including a passive cooling strategy. However, the building would not be orientated east-west as per 'Passivhaus' principles and the glazing would be primarily sited on the west elevation with a deep overhang of the roof that would further reduce the extent that the building would be heated naturally. Therefore, while I acknowledge global warming, I am not persuaded that the building would not require a mechanical heating system to provide a comfortable living environment for future occupiers.
18. The proposed passive cooling system would use ducts that run under a pond and into the house to draw heat away from the internal spaces via a chilled ceiling or beams. While this appears to be a novel system, given the location of the dwelling in Shropshire, I have reservations regarding how often this cooling system would be likely to be used in reality.
19. I acknowledge the suggestion that a condition could monitor the effectiveness of the system over a number of years. However, other than a sketch and a brief explanation of the principle of the system, there is little detailed technical information before me which demonstrate that this method would be substantially effective. As such, I am not persuaded that the building could be entirely heated and cooled naturally.
20. Overall, I recognise that the form, massing and layout of the proposed building is unusual. However, there is little substantial evidence before me to demonstrate that the design, including the cooling system, would be truly outstanding or help to raise standards of design more generally in rural areas.

21. The landscaping strategy includes a sunken terrace that would minimise views of hard surfacing and domestic paraphernalia from wider views. In addition, the solar panels would be set into hidden ha-ha's that would be sunken into the ground and screened from wider views. The western and northern boundaries would be defined by a post and wire fence. Since these features would partially mitigate the impact that the proposed hardstanding, solar panels and boundary treatment would have on the sense of openness of the area, they would not provide a benefit to the area in terms of character and appearance.
22. The landscape proposals also include new tree planting, extensive wildflower grass, restoration of the existing pond and two new ponds. The evidence indicates that these would provide a benefit in ecological terms given the site's existing use as an agricultural field. While these measures alone would enhance the immediate setting, since they largely seek to mitigate the urbanising effect of the development, the scheme, as a whole, would not significantly enhance its immediate setting.
23. Therefore, the proposal would not accord with paragraph 80(e) of the Framework. The scheme would contribute a single dwelling to the housing supply and there would be associated economic and social benefits through the contribution of future occupiers to the local community and temporary economic benefits during the construction phase. However, since the scheme is for a single dwelling, these benefits would be limited. Therefore, given the significant harm to the character and appearance of the area that would result from the proposal, even if the terms of paragraph 11(d) of the Framework were engaged, the adverse impacts would significantly and demonstrably outweigh the benefits.
24. Consequently, there are no material considerations which indicate that the appeal should be allowed.

Other Matters

25. The Council has cited a number of other policies in the Decision Notice. Given my findings above, the scheme would also conflict with CS Policies CS6 and CS17 which seek development that will be designed to a high quality and that will enhance Shropshire's natural environment, among other things.
26. In addition, the Council has cited CS Policies CS9 and CS11 which seek contributions towards infrastructure and affordable housing. There is no planning obligation before me that would secure contributions in accordance with these Policies. While I have had regard to these Policies, they have not been determinative for the outcome of this appeal.
27. I recognise that the Appellant has engaged with Made, the design review panel, and I have had regard to their comments. However, for the reasons given above, I disagree with their findings.
28. I acknowledge the personal circumstances of the Appellant who has family connections in the area. I note that he has renovated another property and uses a ground source heat pump and electric car. While I do not doubt his intentions to create an environmentally responsive scheme for the appeal site, given the evidence, these matters have not altered my overall decision.

Conclusion

29. For the reasons given above the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR

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Appeal Decision

Site visit made on 23 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/L3245/W/21/3276199

Land at Wallop Road, Westbury, Shrewsbury SY5 9HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by James Roberts against the decision of Shropshire Council.
 - The application Ref 20/03995/FUL, dated 27 August 2020, was refused by notice dated 3 December 2020.
 - The development proposed is the erection of three bedroomed single plot exception dwelling, with detached double garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal in the context of the revised Framework, on which the parties have been given the opportunity to comment.
3. Amended plans were submitted with the appeal which showed a revised internal floor area of the proposed dwelling. This was evidently a drafting error, but clarification was nevertheless required so that the dwelling would not exceed 100m² under the guidance for affordable housing exception sites stipulated in the Type and Affordability of Housing Supplementary Planning Document (SPD). I note the Council does not take issue with the amended plans being considered in the appeal and agree that the changes now address the second reason for refusal given in the decision notice, which is no longer contested.
4. A completed planning obligation in the form of a Unilateral Undertaking (UU) has been submitted. It seeks to secure the dwelling as affordable housing for the appellant and subsequent occupiers. The Council have acknowledged this document but have not offered further comments.
5. The Draft Shropshire Local Plan 2016-2038 has been submitted for examination and is referred to by the Council. Having regard to paragraph 48 of the Framework and the evidence before me, I understand this Plan is at an early stage of preparation. As such, this carries little weight in the determination of this appeal.

Main Issue

6. The main issue is whether the appeal site is a suitable location for the proposed dwelling.

Reasons

7. Paragraph 5.13 of the SPD states other than when built as part of the rural occupational dwelling scheme, local needs for single plot exception sites (exception sites) must be demonstrably part of, or adjacent to, a recognisable named settlement.
8. Although Westbury is not listed in the settlement hierarchy in the MDP¹, I see no reason why it would not be classified as a 'named settlement'. However, from my observations on the site visit and the evidence before me, the appeal site is clearly physically and visually outside of Westbury. While the SPD advises locations a short distance outside of loose-knit settlements may be considered adjoining, from my observations Westbury is formed of several clusters of residential streets set around the settlement core, which includes a church and school. This gives a relatively tight-knit pattern of development. As per the SPD, tight-knit settlements would not allow dwellings to be considered under the exception a 'short distance' away.
9. Paragraph 5.14 of the SPD advises that sites that do not lie in a settlement, constituting isolated or sporadic development, are not considered acceptable. The appeal site is located between two detached dwellings and part of a small cluster of four properties in total accessed off Wallop Road. These dwellings are separated by significant distances and using the appellant's measurement of 800m from the appeal site to the nearest building in Westbury, development is sporadic in the locality.
10. I have no reason to doubt the appellant's strong local connections to the area, while they also state they have an identified local need. I note the Council do not dispute these factors and I see no reason to disagree. However, these are not the only tests that proposals for exception sites must demonstrate they meet in order to be considered acceptable. Similarly, whether the proposal is located on a 'B' or a 'C' road has not factored into my decision making.
11. My attention is drawn to a planning application² approved by the Council for an exception site in the area. I have little information on this other than the officer report to the planning committee, although the map on the front page of that document indicates the settlement in question is of a looser-knit pattern of development than that before me. I have also been made aware of other dwellings beyond the centre of Westbury. While the appellant considers these are part of the settlement, I have no substantive information to justify this, as they appear quite clearly to be some distance from the main built form of Westbury. In any event, I have assessed the proposal on its own merits based on the information before me.
12. I acknowledge the Parish Council and the Ward Councillor both regard the appeal site as being within Westbury. Their views were sought by the Council decision maker as per guidance in the SPD. However, this input of local knowledge of an area is for the purposes of informing the professional

¹ Shropshire Council Site Allocations and Management of Development Plan (Adopted December 2015)

² 16/03879/FUL

judgement of the decision-maker. While a material consideration of some weight, it is not in itself determinative. While taking on board their comments, it is incumbent on me to form my own view.

13. To conclude, the proposal would not meet the requirements of an exception site and is therefore contrary to Policies CS5 of the CS³ and MD7a of the MDP. These state that, among other things, suitably located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.

Other Matters

14. The Council did not identify harm with the design of the dwelling, highway safety or to the living conditions of occupiers of neighbouring properties. However, alongside an absence of objections from local residents, a lack of harm is neutral in the planning balance rather than weighing in favour of the scheme.
15. Although I am informed of benefits associated with the proposal, these are not expanded upon. Nevertheless, there would be some social and economic benefits insofar as the proposal would add an additional unit of affordable housing to the Council's stock and there would be a limited increase in the use of local services and facilities by occupiers of the dwelling. However, given the scale of the proposal and the Council's current housing land supply position, this would invariably be of limited weight.
16. Conversely, walking into Westbury would be along unlit country roads with no footpaths. This is unlikely to be a desirable option for future occupiers of the dwelling, particularly those with mobility issues or young children, who would in all likelihood favour private vehicles to travel to Westbury and nearby towns and villages. This would be the least sustainable travel choice and would be contrary to the environmental objectives of the Framework and the development plan.

Conclusion

17. The proposal would conflict with the development plan taken as a whole. While I have considered the personal circumstances of the appellant, there are no material considerations of sufficient weight that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

³ Shropshire Local Development Framework Adopted Core Strategy (adopted March 2011)

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Appeal Decision

Site visit made on 7 December 2021

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 13 January 2022

Appeal Ref: APP/L3245/D/21/3281361

3 Lee Hill, Lee Brockhurst, Shrewsbury SY4 5RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Jane Thompson against the decision of Shropshire Council.
 - The application Ref 21/01645/FUL, dated 30 March 2021, was refused by notice dated 2 July 2021.
 - The development proposed is ancillary annex in residential curtilage of 3 Lee Hill.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed that the development described above has been partially completed. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are whether the development is subservient to the main dwelling with regard to functional need and the effect on the character and appearance of the area.

Reasons

4. The appeal site is a detached building within the grounds of 3 Lee Hill and is located within a rural setting. The intention for the building is to use it as an ancillary annex to No 3 for family members to reside in, including an elderly relative.
5. The host dwelling consists of the main house and its existing annex. From my observations on site, the development was further away from the main dwelling than the existing annex. Due to its distance from the host dwelling it appeared physically detached and separated from the main residency and therefore could not function as an ancillary annex to the main dwelling. As the development sits on a sloped bank on ground higher than the host dwelling, it was unclear to me how an elderly relative would be able to access the development safely. I conclude that the connection between the development and the host dwelling is disjointed and not practical for an ancillary annex due to its distance from the host dwelling and its siting on a sloped bank.
6. The development is sited within the garden of No 3. If permission were given this could lead to the subdivision of the garden at No 3 with a separate access being created to the development. This combined with the physical separation of the development from the host dwelling could lead to a separate dwelling

being formed in the future. I have considered restricting the use of the development on the land by way of a planning condition, but the siting of the development some distance from the host dwelling makes this development unacceptable as an annex that is ancillary to the main dwelling because it would rely on the main dwelling for facilities such as the kitchen and living room space. Paragraph 80 of the Framework states that isolated homes in the countryside should be avoided. Policy CS5 of the Shropshire Council's Core Strategy (CS) (adopted 2011) strictly controls development within the open countryside. The development is contrary to policy as it is tantamount to a new dwelling in the countryside. I do not have a signed and dated S106 before me and a condition would not be reasonable as the distance between the annex and the main dwelling would mean it could not successfully function as an ancillary unit.

7. Although the footprint of the development is smaller in size than the main dwelling and the existing annex, the height of the development and the scale of the pitched roof is imposing on the landscape. The height of the structure was further elevated by the sloped bank it was positioned on. When viewed from the lane, the development appeared as a prominent feature on the landscape and not sympathetic or subservient to the host dwelling. The eaves and ridge line of the development is higher than the existing annex and the outbuildings on site.
8. In addition, the design of the annex is of poor-quality design and not in keeping with the main dwelling. The development has a stark, utilitarian appearance. The sides of the development have a limited number of openings and appear as blank faceless elevations that are unremarkable in design. I found the development to be incoherent and at odds with the other buildings on site, and it did not blend in well with the predominant character of the surrounding plot. I note the appellant has suggested the inclusion of a planning condition to deal with the external cladding and materials of the development to match the other buildings on site. However, this would not overcome the harm arising from the siting and scale of the annex.
9. Overall, I found the development to be unrelated to the host dwelling. The development does not respond well to the local character or reflect the identity of its rural surroundings. Due to its prominent location and height, I considered the development to be intrusive and detracted from the qualities of the area.
10. I note the appellant's claim that the Shropshire Council's Core Strategy (adopted 2011) should be considered out-of-date and paragraph 11d of the National Planning Policy Framework engaged. However, the Framework (para 219) states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Policies CS6 and CS17 from the Shropshire Council's Core Strategy (adopted 2011) are relevant to this appeal. These policies are both broadly consistent with the design principles set out in the Framework, in particular paragraphs 126, 130 and 134 and are not out-of-date for the purposes of NPPF paragraph 11d. I therefore give these policies significant weight in this appeal.
11. Therefore, for the reasons given, the development fails to accord with CS Policy CS5, which strictly controls development within the open countryside. The development fails to accord with CS Policy CS6, which seeks to ensure development conserves and enhances the built and natural environment. The

development also fails to accord with CS policy CS17, which seeks to protect and enhance the high quality and local character of Shropshire's built and natural environment.

12. In addition, the development fails to comply with policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (adopted 2015). This policy seeks to ensure development responds appropriately to the form and layout of existing development including considering scale, proportion and building heights.
13. The development fails to accord with the National Planning Policy Framework (para 130), which emphasises the importance of securing good design and states that development should respond to local character.

Other Matters

14. I note the personal circumstances advanced by the appellant with regard to the support needs of the family member as set out in the Grounds of Appeal. Taking these personal circumstances into account, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. I have also had regard to rights conveyed within the Human Rights Act. While I sympathise with the appellant's desire to provide accommodation within the annex for their relative who requires essential care and support, I have borne in mind that the development will remain long after those circumstances have ceased to be material. Therefore, whilst I acknowledge the personal circumstances of the appellant, as well as the needs of the family member, I conclude that these are not matters which outweigh the harm I have identified to the character and appearance of the area.
15. I note the appellant claims the use of the annex as a habitable dwelling would be temporary. However, the application is not for a temporary use.
16. The appellant states that a building could be constructed under Permitted Development Rights (PD) if the height of the building was reduced. However, what could be achieved through PD would not be as harmful as the proposal in front of me. Therefore, little weight has been attached to this fallback position in the determination of this appeal.

Conclusion

17. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Helen Smith

INSPECTOR

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Appeal Decision

Site Visit made on 2 November 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Appeal Ref: APP/L3245/W/20/3263642

Land off Lowe Hill Road, Wem SY4 5UR

- 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 John Tootell on behalf of Metacre Limited against the decision of Shropshire Council.
 - The application Ref 20/01054/OUT, dated 4 March 2020, was refused by notice dated 12 June 2020.
 - The development proposed is Outline planning application for the erection of up to 100 dwellings (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved.
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Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of up to 100 dwellings (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved, at Land off Lowe Hill Road, Wem SY4 5UR, in accordance with application Ref: 20/01054/OUT, dated 4 March 2020, and subject to the conditions in the attached schedule as well as the provisions within the completed Section 106 legal agreement.

Applications for Costs

2. Applications for costs have been made by Metacre Limited against Shropshire Council, as well as by Shropshire Council against Metacre Limited. These applications are subject to a separate decision.

Preliminary Matter

3. Following the submission of the appeal, a revised National Planning Policy Framework (the Framework) was published. The main parties were consulted in relation to this matter, and any comments received have been factored into my assessment of the appeal.

Procedural Matters and Main Issue

4. When first lodged, the appellant requested that the appeal be heard by way of an Inquiry. However, due to the issues under consideration, a Hearing was eventually scheduled for 2 November 2021.
5. The original planning application was refused on the basis of two reasons. The first refusal reason related to landscape and visual harm, as well as harm to local biodiversity. However, in support of their appeal, evidence has been provided by the appellant to overcome these matters. The Council, as well as

other interested parties, have had the opportunity to fully appraise this information, and in preparation for the planned Hearing, the agreed Statement of Common Ground confirmed that the Council no longer wanted to rely on the first refusal reason.

6. I note that there has been objection to the proposal by third parties, as well as Wem Town Council, however, these parties have also had the opportunity to comment on the additional evidence. Accordingly, I am satisfied that the additional evidence provided by the appellant should be accepted to aid my assessment of the appeal, and that in taking this course of action, interested parties have not been compromised.
7. The additional information is thorough and has been suitably scrutinised, including by a qualified Ecologist on behalf of the Council. I note the ongoing concerns presented by Wem Town Council, however, no substantive or compelling evidence to challenge the agreed findings of the Appellant and Council has been provided. Accordingly, on the basis of the evidence before me, I have no reason to disagree with the revised stance of the Council.
8. The second reason for refusal related to insufficient justification and information being provided for the development of land that is located beyond the housing allocation. Accordingly, the outstanding main issue is whether the location of the appeal site is suitable for the development proposed, having regard to the requirements of local and national policy.

Reasons

9. The majority of the appeal site is allocated for housing through the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). The allocation, WEM003, is referred to as Land off Pyms Road and makes provision for 100 houses. The SAMDev also states that the design of the site may include additional land for community facilities. Despite this allocation, the western-most portion of the appeal site is located beyond the land identified within the SAMDev.
10. As identified above, based on the additional information provided by the appellant, the Council is satisfied that the proposal would not give rise to any unacceptable landscape or biodiversity harm. The proposal seeks outline planning permission so specific details regarding these matters can be suitably controlled at the Reserved Matters stage. Accordingly, the Council's concerns now only manifest themselves in the additional land located to the west of the appeal site. This land is not allocated and is not located within a defined settlement boundary. As a consequence, for the purposes of local policy, this portion of land is located within the countryside.
11. Policy CS3 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) relates to the Market Towns and Other Key Centres in the district. Wem is identified within the policy, and amongst other things, the Policy confirms that balanced housing and employment, of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure, will take place within the towns' development boundaries and on sites allocated for development.
12. In refusing planning permission, the Council have also referred to Policy CS5 of the CS and Policies MD2 and MD7a of the SAMDev. Policy CS5 of the CS

requires that new development will be strictly controlled in accordance with national planning policies protecting the countryside. Policy MD2 of the SAMDev requires amongst other things new development to consider design of landscaping and open space holistically as part of the whole development, including natural and semi-natural features. Policy MD7a relates to the managing of housing development in the countryside and states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.

13. I note the wording of Policy CS3 of the CS, however, in my judgement, when read as a whole, local policy is consistent with the Framework. That is to say it promotes development within settlement boundaries and on allocated sites but does not specifically preclude other development. Indeed, the housing allocation itself acknowledges that additional land may be included, albeit for community facilities. As a consequence, the local policy framework is such that development in the countryside should be strictly controlled, having due regard to the environment in which it would be located. It is therefore in this context that the appeal should be assessed.
14. Based on the evidence before me, following the allocation of WEM003, a major gas pipe was identified as crossing the site. The size of the pipeline brings with it an easement requirement of 15 metres to either side, and therefore introduces a substantial no-build zone within the allocated parcel of land. The Council recognise this gas main as a constraint on the site, and on the basis of the evidence before me, I have no reason to disagree.
15. The size of the no-build zone across the site has a demonstrable impact on the developable space within the allocated land. As a consequence, rather than designing the proposal at a higher density, the additional land would be utilised to enable open space and landscaping within the development, in a manner that would be sensitive to its edge-of-settlement location. Due to the Council's reservations regarding this point, the landscape impact of the proposal has been thoroughly considered and the evidence before me confirms that it has been demonstrably scrutinised. As identified above, this additional scrutiny has enabled the Council to withdraw their concerns regarding landscape and visual impact.
16. The proposal is in outline form, with all matters reserved for future consideration, other than access, and it has been supplemented with thorough evidence regarding landscape impact. The development would result in an obvious visual change to the existing surroundings, but as an allocated site, this could not be avoided. I have no evidence before me that distinguishes the visual impact between the allocated land and the unallocated land. The reports consider the site as a whole and the unallocated land would be experienced as part of the broader development. In this regard, it would be integrated with the allocated land. The proposal would not result in any isolated form of development and there is nothing compelling in the evidence before me to confirm that the visual impact of developing the unallocated land would be demonstrably more harmful than just the allocation
17. The inclusion of the additional land has been suitably articulated by the appellant. Moreover, the additional landscape and biodiversity evidence ably demonstrates that the development on this part of the site has been sensitively considered. Accordingly, in my judgement, when assessed against the strict

controls of local policy, and having due regard to the environment in which the development would be located, I am satisfied that there is nothing in the evidence before me to confirm that the inclusion of the westernmost parcel of land would be contrary to local policy, when taken as a whole.

18. Consequently, having regard to local and national policy, I conclude that the appeal site would be suitable for the development proposed. It would therefore comply with Policies CS3 and CS5 of the CS and Policies MD2 and MD7a of the SAMDev, the requirements of which are set out above.

Other Matters

19. The appeal site is located within the catchment area of the Midland Meres and Mosses Phase 2 Ramsar Site. Paragraph 181 of the Framework requires that this be given the same protection as habitats sites, which the Framework defines as any site which would be included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017 (the Regulations). Accordingly, due to the location of the site, the requirements of the Regulations are applicable to my assessment of the appeal.
20. This requires that I, as the competent authority, must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the Ramsar. The Ramsar is susceptible to disturbance of habitats through trampling, as well as interference with habitat management, and also increased nitrification of habitats, primarily due to dog fouling. As a consequence, taking a precautionary approach, and when combined with other development within the area, I am satisfied that the proposal would result in an increase in such activity which would lead to a likely significant adverse effect on the integrity of the Ramsar.
21. Due to this effect, the Regulations place a duty on competent authorities to make an appropriate assessment of the implications of the development proposed in view of the site's conservation objectives. On this basis, a management plan is being prepared to ensure that recreational pressure can be suitably managed so as to protect the integrity of the Ramsar. Although this report remains in draft form, the parties have agreed that a contribution of £7,500 would assist in implementing visitor management measures to protect the Ramsar. The contribution forms part of the completed Section 106 Legal Agreement.
22. Based on the evidence before me, I am satisfied that this contribution is necessary to provide the delivery of suitable mitigation that would address the level of harm likely to be caused by the development. Accordingly, it would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations). As a consequence, subject to the necessary mitigation, I am satisfied that the proposal would not result in a significant harmful effect on the integrity of the Ramsar.
23. The legal agreement also includes provisions in relation to affordable housing, as well as public open space, including maintenance. The evidence before me confirms the need for these matters and consequently, I am satisfied that the contents of the agreement comply with the requirements of the CIL Regulations. Accordingly, the submitted legal agreement is a valid document that is fit for purpose and therefore weighs in favour of the proposal.

24. I note the comments regarding flooding and drainage, however, I have no substantive evidence to demonstrate that this matter is of specific concern. No objection was raised to this matter by the Council and subject to a suitably worded planning condition, I am satisfied that flooding and drainage need not cause harm following development. I also note the concerns regarding highway safety and volume of traffic. Nevertheless, again, the evidence before me does not present a compelling case that the proposal would give rise to harm in relation to these matters. The proposal has been suitably scrutinised by the Highway Authority and no objection has been raised subject to the imposition of certain conditions. On the basis of the evidence before me, I have no reason to disagree with this approach.
25. In relation to the effect of the proposal on infrastructure such as schools, doctors and dentist practices, I have no substantive evidence before me to demonstrate that the proposal would have an adverse effect. They are not matters for which the Council have sought contributions or to which concerns have been raised. Accordingly, based on the evidence before me, I have no reason to consider that the proposal would cause demonstrable harm in these areas.

Conditions

26. Due to my findings set out above, conditions 1 – 4 are necessary in the interests of precision and clarity. In addition, conditions 5 – 9 are necessary in the interests of highway safety. Condition 10 is necessary to ensure satisfactory drainage of the site, and condition 11 is necessary due to the archaeological interest of the site. Condition 12 is necessary to protect the ecological interest of the site, and condition 13 is necessary to ensure that a suitably robust landscaping scheme accompanies the reserved matters submission. Condition 14 is necessary to ensure suitable living conditions are provided for future occupants, and condition 15 is necessary to promote sustainable travel opportunities.
27. The conditions have been taken from the agreed Statement of Common Ground and as a consequence, where conditions require information to be submitted prior to the commencement of development, the appellant has confirmed their acceptance.
28. An additional condition was suggested to establish the upper limit for development on the site, but because this matter is explicitly stated within the description of development, a condition to duplicate this matter would be unnecessary.

Conclusion

29. For the reasons identified above, the appeal should be allowed.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Approval of the details of the appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development shall be carried out strictly in accordance with the following approved plans and drawings: 18-14-LP01; 68591-CUR-00-XX-DR-TP-75001-P04 (Proposed Access Option 1); S18-412; and WD18-13-MP01-G.
- 5) Notwithstanding the access details as shown on Drawing No.68591-CUR-00-XX-DR-TP-75001-P04 and prior to the commencement of development full engineering details of the access layout, visibility splays and raised table shall be submitted to and approved in writing by the Local Planning Authority; the access scheme and raised table shall be implemented in accordance with the approved details and a phasing programme to be first submitted to and approved in writing by the Local Planning Authority.
- 6) No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water and phasing programme have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented in accordance with the approved details.
- 7) Prior to the commencement of development a scheme for the provision of a mini-roundabout at the junction of Lowe Hill Road and B5063 shall be submitted to approved in writing by the Local Planning Authority: the mini-roundabout scheme shall be fully implemented in accordance with the approved scheme following the occupation of the 50th dwelling within the site.
- 8) No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.
- 9) No development shall take place, including any works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority, to include a community

communication protocol. The CTMP shall be fully implemented in accordance with the approved details for the duration of the construction period.

- 10) No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
- 11) No development approved by this permission shall commence until the applicant, or their agents 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 Planning Authority prior to the commencement of works.
- 12) No development shall take place until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority.
- 13) The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:
 - 1) Planting plans showing creation of wildlife habitats including species-rich grassland, permanent aquatic habitats and hedgerow / tree planting,
 - 2) Written specifications (including cultivation and other operations associated with wildlife habitat establishment);
 - 3) Schedules of plants, noting species (including scientific names, seed mix compositions, planting sizes and proposed numbers/densities where appropriate;
 - 4) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - 5) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - 6) Detail of boundary treatment which will include provision for hedges.
 - 7) Implementation timetables.
 - 8) Recreational space and landscaping/plantings in relation to this.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.
- 14) Any subsequent planning application/reserve matters for development on site will include reference to a scheme for protecting the occupants of the proposed development from the traffic noise on Lowe Hill Road, to be submitted to, and approved in writing by the Local Planning Authority. The scheme shall ensure that all properties have been designed so that the following good noise standards can be achieved: 35dBA LAeq in habitable rooms in the day, 30dB LAeq in bedrooms at night, 45dB LAmax in bedrooms at night and 50dB LAeq in external amenity areas. Acoustic

glazing which requires windows to be kept shut should only be used where it is not possible to resolve the issues by other design measures and where there is a clear planning need for the proposed design. The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained.

- 15) The interim travel plan shall be implemented in accordance with the Action Plan set out in the approved details.



Costs Decisions

Site visit made on 2 November 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Costs application A in relation to Appeal Ref: APP/L3245/W/20/3263642 Land off Lowe Hill Road, Wem SY4 5UR

- 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 Metacre Limited for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of Outline planning application for the erection of up to 100 dwellings (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved.
-

Costs application B in relation to Appeal Ref: APP/L3245/W/20/3263642 Land off Lowe Hill Road, Wem SY4 5UR

- 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 Shropshire Council for a partial award of costs against Metacre Limited.
 - The appeal was against the refusal of Outline planning application for the erection of up to 100 dwellings (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved.
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Decisions

1. Both applications for an award of costs are refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, and that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Awards can be based on either procedural or substantive matters.
3. In relation to Application A, the appellant is of the view that there are three principal areas in which the Council's behaviour has been unreasonable. Firstly, refusing the application when appropriate information was before the Council to enable it to be approved. Secondly, refusing requests to extend the deadline for the determination of the application to enable further discussions. Finally, refusing a subsequent planning application, contrary to an officer recommendation for approval.

4. Much of the appellant's claim regarding the first matter relates to landscape and ecological considerations. However, as identified within the main decision, these matters have now been deemed to be acceptable by the Council following the receipt of additional information. Based on the evidence before me, the Council was completely entitled to require the additional information. It supplemented the evidence previously provided and gave the Council greater confidence to accept the impacts of the proposal. It is unfortunate that the evidence was not provided through the application, however, I am satisfied that in holding out for the information, the Council did not exhibit unreasonable behaviour.
5. Regarding the last reason for refusal, although I have found against the Council on this matter, the refusal was based on a well-articulated interpretation of local policy. I am satisfied that the Council substantiated their concerns on this matter and consequently, again, I find that their behaviour on this point was not unreasonable.
6. I note the comments from the appellant regarding the desire for an extension of time. However, the Council is not obliged to allow this and because the proposal was refused for an 'in principle' reason, it seems unlikely that an extension of time would have changed the outcome for the application. The Council have reviewed additional evidence through the appeal and I find that their approach on this basis has been entirely reasonable.
7. I also note that a separate planning application has also been refused, and had it been approved, the appeal would likely have been withdrawn. However, I have no reason to consider that such a refusal was unreasonable. It was consistent with the decision on this proposal and due to the reasons given, this is not an unreasonable stance to be taken by the Council, despite my findings on the proposal.
8. Consequently, whilst I have found against the conclusion of the Council, I am satisfied that their behaviour has been appropriate, and evidence presented in support of their decision has been provided in a timely and proportionate manner. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified for Application A.
9. The Council consider that an appeal was unnecessary and that the matter should have been resolved through the submission of a new planning application. Moreover, they consider that the costs application provided by the appellant presents a wholly untenable case. Despite this, a revised application has been refused by the Council, and despite my findings regarding the appellant's costs application, I do not consider that making such an application was an inappropriate thing to do. The application was presented in a rational and reasonable manner and consequently, as with Application A, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified for Application B.

Martin Chandler

INSPECTOR



Appeal Decision

Hearing (Virtual) held on 11 January 2022

Site visit made on 12 January 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Appeal Ref: APP/L3245/W/21/3276073

Little Acorns, Adderley Road, Spoonley, MARKET DRAYTON, TF9 3SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Lee Gilbert against the decision of Shropshire Council.
 - The application Ref 20/05367/REM, dated 22 December 2020, sought approval of details pursuant to condition No 1 of planning permission Ref 19/00544/OUT, granted on 14 February 2020.
 - The application was refused by notice dated 17 March 2021.
 - The development proposed is the erection of an agricultural workers dwelling to include means of access.
 - The details for which approval is sought are appearance, landscaping, layout and scale.
-

Decision

1. The appeal is allowed and the reserved matters are approved, namely appearance, landscaping, layout and scale, submitted in pursuance of condition No. 1 attached to planning permission Ref 19/00544/OUT, granted on 14 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - LG/2020/FH/2a – block plan
 - LG/2020/FH/3a – plans and elevations
 - LG/2020/FH/LANDa – landscape plan
 - 2) Prior to the above ground works commencing, samples and/or details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 3) Prior to the first occupation of the dwelling hereby permitted, details of the boundary treatments for the domestic garden area shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the use commences and shall thereafter be maintained.

Applications for Costs

2. At the hearing, applications for costs were made by Mr Gilbert against Shropshire Council, and by Shropshire Council against Mr Gilbert. These applications are the subject of a separate Decision.

Procedural Matters

3. Since the Council made its decision, a revised version of the National Planning Policy Framework (the Framework) has been issued. Those parts of the Framework which are particularly relevant to this appeal remain substantially unaltered, and at the hearing, both parties agreed that changes to the Framework do not materially affect either case. I have determined the appeal on the basis of the revised Framework.

Main Issue

4. Outline planning permission for a permanent dwelling at Little Acorns was granted in February 2020 (ref 19/00544/OUT). All matters were reserved for future determination, other than means of access. The application which is the subject of this appeal includes details pertaining to all the outstanding reserved matters. The Council has raised no objection to the proposed layout, external appearance and landscaping details, but refused the application on the basis of its scale.
5. The main issue, therefore, is whether the proposed dwelling is of an appropriate scale, having regard to i) the needs of the farm business, and ii) the ability of the enterprise to fund the construction of the dwelling.

Reasons

Scale in relation to the needs of the farm business

6. The farm business at Little Acorns was established by the appellant in 2017 and is focused primarily on the rearing of young pigs. The farm also has a small herd of sheep. The appellant and his family currently live in a temporary dwelling on the holding, planning consent for which was granted in 2017.
7. Policy MD7a of the Site Allocations and Management of Development Plan 2015 (SAMDev) is concerned with managing housing development in the countryside. The Policy is primarily concerned with dwelling type rather than size, although the requirement in part 2b that the cost of a primary rural workers dwelling be funded by the business is clearly relevant to any assessment of scale. Further guidance is provided in the explanatory text to Policy MD7a, which explains in paragraph 3.59 that the scale and type of a proposed primary dwelling should be closely related to the evidenced needs of the business.
8. The Type and Affordability of Housing Supplementary Planning Document 2012 (SPD) proposes a maximum 100m² gross internal floorspace as a starting point for rural occupational dwellings. The Council explained at the hearing that the 100m² figure applies to both primary and additional workers dwellings, with areas needed for the business, such as utility and office areas, being added on. For primary dwellings, 150m² gross internal floorspace is generally considered by the Council to be acceptable.

9. The proposed dwelling would have a gross internal floorspace of 208m², which includes space for a utility/decontamination area and an office. The provision of space to change out of dirty clothes and shower within the house is necessary to meet the needs of the business, including biosecurity measures. The proposed office space would have an external door so that visitors could access it directly without needing to go through the house. Locating the office here rather than within the farm buildings would enable indoor meetings with visitors to take place without the need to decontaminate. I am therefore satisfied that the office area is also reasonable and necessary in relation to the evidenced needs of the business.
10. When the areas proposed for utility/decontamination and the office are excluded, the proposed gross internal floorspace would be 178m², so would be considerably larger than the SPD figure. However, there is recognition in both paragraph 3.59 of the SAMDev and paragraph 3.7 of the SPD that a larger house may be appropriate in the case of a primary dwelling, and that this would be considered on a case-by-case basis. Furthermore, paragraph 3.59 makes clear that there is no firm restriction of the size of the dwelling, although it must be demonstrated that the cost can be met by the business.
11. The existing temporary dwelling has three bedrooms and a floorspace of around 126m². The proposed house would be larger, but for a family of five it is not unreasonable to have a four bedroom house, and I note that another family member stays on a regular basis to provide additional help with the children. I acknowledge that the proposed room sizes are fairly generous, and that four bedrooms could be provided within a smaller footprint, but no objection has been raised to the visual impact of the proposed house, which would be set away from the road. Screening would be provided by hedges and by an additional area of recently planted trees, once mature, and I agree that the proposed house would not cause undue harm to the character of the area.
12. The proposed garage would incorporate space for domestic vehicles, a plant room to house a ground source heat pump and an additional toilet to avoid going into the house. Although it would be a fairly large building it would provide facilities which relate to the needs of the business and family, and its siting close to the house would help to limit its visual impact.
13. Paragraph 3.59 of the SAMDev says that the scale of the dwelling should be proportionate to the scale of the business. The appellant has recently purchased additional land adjoining the farm, and at the hearing expressed his intention to expand the pig business. Even including the additional land, at around 10.7 hectares, the total holding is small in terms of land area. However, there is nothing in either Policy MD7a or the SPD to suggest that the scale of a house should relate to the area of a farm. Rather, the test to be applied is whether the business can fund the cost of the dwelling. In this case, income generation for the business comes primarily from pig rearing which takes place within buildings, so the size of the overall holding is not the most important factor in determining its profitability.
14. The outline planning permission is subject to a legal obligation which, in accordance with part 2b) of Policy MD7a, limits the occupancy of the dwelling to a person (and/or their dependents) who is employed in the locality in agriculture. Should the need for an agricultural worker cease and it was agreed that the limitation on occupancy could be removed, then the planning

obligation makes provision for an Affordable Housing Contribution to be paid. I agree that securing such a contribution does not condone an overly large dwelling, but the proposed house and garage would not be excessive in scale, having regard to the needs of the business. Furthermore, the difference in approach to securing affordable housing provision between primary and additional dwellings further indicates the Council's recognition that larger primary workers dwellings are likely to be acceptable.

15. The proposed dwelling would be larger than the SPD figure, but there is nothing in either the Framework or the wording of either Policy MD7a or Policy CS5 of the Shropshire Core Strategy 2011 (CS) which explicitly restricts the size of an agricultural workers dwelling. Overall, I am satisfied that the scale of the proposed dwelling and associated garage would be acceptable, having regard to the evidenced needs and scale of the business.

The ability of the enterprise to fund the construction of the dwelling.

16. A detailed breakdown of the estimated cost of the proposed dwelling has been provided by the appellant. Whilst this is now almost two years old and costs will have inevitably risen since, it provides a useful starting point. The ability of the business to fund the cost of the dwelling has been assessed using a methodology developed for this purpose by the Ministry for Agriculture, Fisheries and Food (MAFF). This methodology was provided as part of advice to local planning authorities in 1992, but both parties agree that it continues to provide a useful means of assessing the viability of farm businesses for this purpose, and I have no reason to disagree.
17. The application of the MAFF methodology is based on the costings provided in the profit and loss account for L G Farms Ltd. Whilst this shows that the farm business can sustain the cost of the dwelling and remain viable, the robustness of that finding depends on the accuracy of the financial information which underpins it.
18. For commercial reasons, the farm has been set up using two limited companies. Other than the site of the proposed house, which is owned by the appellant on a personal basis, the farm area is owned by L Gilbert Holdings Ltd. The land and buildings are let to L G Farms Ltd, which runs the farm business.
19. Profit and loss information for L G Farms Ltd has been provided for the period October 2019 - September 2021, and shows the business to have been profitable in each year. Profits dipped by a modest amount in 2020 compared to the 2019 figure, but recovered in 2021. A financial statement has been provided for L Gilbert Holdings for the year ended 30 September 2020, which shows the total equity of the holding company to be just under £1.5m. Comparable information for the year ending September 2021 was not available at the time of the hearing, but the appellant's accountant confirmed that the holding company remains profitable. The financial information shows that both companies are profitable, and at the hearing the appellant was able to explain why some of the costs in the accounts appeared to be unexpectedly low.
20. All of the operating and maintenance costs are covered by the trading company, L G Farms Ltd, including the costs of repairs and maintenance of the buildings. Owing to the fairly recent construction of the buildings on site, these costs have, to date, been low. The costs of maintaining grassland and hedge cutting fall within the direct/agricultural contractors costs within the accounts,

which appear reasonable. The business has several small vehicles including a quad bike and small tractor, but these are not used extensively, so running costs are low. Any large vehicles are owned by the agricultural contractors, with fuel/running costs also included within those costs. The appellant explained at the hearing that provision is made in the accounts to cover future costs of repairs to the machinery, through a depreciation charge, which is shown as a loss.

21. As part of the contract with pig producer Stockcroft, feed for the pigs is provided, along with cleaning materials and veterinary services. L G Farms provide the straw, water and electricity, but initiatives such as the use of harvested rainwater and a 'muck swap' arrangement with another local farmer suggest that the appellant is finding ways to limit some of these costs.
22. I saw at the site visit that, whilst the pig rearing operation is an intensive one, the buildings are fairly low-tech, and do not require significant amounts of energy for heating, lighting or mechanical ventilation. Mucking out is done manually using a fork. Resultant energy costs are therefore not as high as might otherwise be the case.
23. The effect on the balance sheet of other initiatives at the farm, such as a brewing process which may provide additional feed for the pigs, is unclear. However, the appellant has confirmed that pig feed is provided as part of the contract with Stockcroft, and I have no reason to doubt that. It seems unlikely that the provision of additional home-grown pig food would result in significantly increased costs to the business.
24. The day to day running costs associated with the business are covered by L G Farms Ltd, and it is the performance of that company which is most important in the assessment of whether the business can fund the cost of the dwelling. Whilst there may be some gaps in the financial information and future costs, such as for building repairs, are likely to increase, the trading company accounts show a reasonable surplus which would provide scope for the business to absorb additional costs.
25. L G Holdings Ltd covers some of the costs associated with the business, such as building insurance and professional fees, and also receives rental income from the farm. The holding company does, therefore, form part of the overall financial picture, but it 'holds' rather than 'trades', and so its role is more limited. According to the appellant's accountant, as at December 2020, there was no debt associated with the farm and the holding company was profitable. I have been provided with no evidence to suggest that the financial situation of the holding company would limit or prevent the business from funding the cost of the dwelling.
26. There is nothing to suggest that the pig rearing business will not remain viable in the future. The farm has a rolling contract with a national pig producer, and the evidence provided suggests that Little Acorns farm is run to a high standard and is a valued contractor. This is reflected in the income level that the farm is able to achieve through the contract, which includes performance related bonus payments.
27. Overall, I am satisfied that, on the basis of the information provided both in writing and at the hearing, the agricultural business on the site can sustain the costs of the dwelling whilst remaining viable. The proposal therefore meets the

requirements of SAMDev Policy MD7a and condition 4 of the outline planning permission.

28. I conclude that the proposed dwelling is acceptable in scale, having regard to the needs of the farm business, and the ability of the enterprise to fund the construction of the dwelling. I have found no conflict with Policy CS5 of the Shropshire Core Strategy 2011, which allows for dwellings to house agricultural workers where a need and benefit is demonstrated. The proposal is also consistent with the requirements for agricultural workers dwellings contained in SAMDev Policy MD7a, and with the provisions of paragraph 80 of the Framework.

Other Matters

29. The appeal proposal also covers matters of landscape, layout and external appearance. I am satisfied that the proposal is acceptable in relation to these matters, subject to the conditions set out below.

Conditions

30. I have imposed a plans condition to provide certainty for all parties.
31. The Council has suggested a condition requiring samples of external materials to be used in the proposed house, and I agree that this is necessary in the interests of safeguarding the character and appearance of the area. A condition requiring details of boundary treatments to be approved and implemented prior to first occupation is also reasonable, so as to delineate the domestic garden area from the surrounding agricultural land. I have imposed the suggested conditions, with minor wording changes for precision.
32. The third condition suggested by the Council requires the laying out and hard surfacing of areas shown on the approved plans for parking, loading, unloading and turning of vehicles. However, the plans submitted as part of the reserved matters application do not provide that level of detail, so the proposed condition does not meet the test of precision. Furthermore, condition 5 of the outline permission requires similar information, so the suggested condition is unnecessary. I have therefore not imposed it.
33. At the hearing, the Council asked me to consider whether, if I were to allow the appeal, an agricultural occupancy condition could be added to the approval of reserved matters. The Planning Practice Guide is clear that the only conditions which can be imposed when the reserved matters are approved are those which relate directly to those reserved matters. The restriction of occupancy relates to the principle of the development, so such a condition could only be imposed when the outline planning permission is granted (paragraph: 025 Reference ID: 21a-025-20140306). In any case, such a condition would be unnecessary, as occupancy of the proposed dwelling at Little Acorns is already restricted through the planning obligation attached to the outline permission.

Conclusion

34. For the reasons set out, the appeal is allowed subject to the above conditions.

R Morgan

INSPECTOR



Costs Decisions

Hearing (Virtual) held on 11 January 2022

Site visit made on 12 January 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Costs applications in relation to Appeal Ref: APP/L3245/W/21/3276073 Little Acorns, Adderley Road, Spoonley, Market Drayton, TF9 3SR

- The applications are 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 applications are made for full awards of costs by i) Mr Lee Gilbert against Shropshire Council and ii) Shropshire Council against Mr Gilbert.
 - The hearing was in connection with an appeal against the refusal to grant approval of details required by a condition of a planning permission for the erection of an agricultural workers dwelling.
-

Decision

1. Both applications for awards of costs are refused.

Reasons

2. Planning Practice Guidance (PPG) advises that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. Both costs applications were submitted orally at the hearing.

Application i) - Mr Gilbert against Shropshire Council

4. The applicant asserts that the Council behaved unreasonably in three ways. Firstly, by misinterpreting policy and giving too much weight to the Type and Affordability of Housing Supplementary Planning Document (SPD), in particular the figure of 100m² gross internal floorspace contained in that document, with no other reasons provided for the alleged harm caused by a larger dwelling.
5. In its written submissions and during the hearing, the Council explained that the 100m² figure contained in the SPD is a starting point, and gave an indication as to the sort of scale they would have considered to be acceptable in the case of a primary rural worker's dwelling. The adopted SPD is a material consideration in this proposal and the Council was entitled to give it weight.
6. The parties disagree about the interpretation of policy, but the Council's concerns over the ability of the business to fund the cost of the dwelling meant that it had sufficient basis for coming to the decision it did, which was supported by SAMDev Policy MD7a. Whilst I came to a different decision from the Council, unreasonable behaviour in relation to its application of policy has not been demonstrated.

7. The applicant's second point is that the Council behaved unreasonably by repeatedly requesting financial information, despite the applicant having previously responded in full.
8. The Council set out legitimate concerns about the financial situation, which required further exploration at the hearing. The establishment of a separate holding and trading company for the farm business may be common practice in agricultural businesses, but for the Council it was an unusual position which it had not often come across. Rather than any unreasonable behaviour on the Council's part, requests for additional financial information, in particular those regarding the holding company, appear to be a reflection of the Council's efforts to understand the situation, to enable it to come to an informed decision.
9. Thirdly, the appellant contends that the Council's approach was based on prejudice against the proposal and the nature of the business carried out, and that this constitutes unreasonable behaviour.
10. I have found no compelling evidence of prejudice on the Council's part in its written or oral evidence. At the hearing, the Council may have used somewhat outmoded language to describe the farm operation, but I am not persuaded that the Council's decision was unduly influenced by preconceived ideas or negative views about the business, such as to result in unreasonable behaviour.

Application ii) – Shropshire Council against Mr Gilbert

11. The Council's application for costs relates firstly to alleged unreasonable behaviour resulting from the appellant's submission of two similar reserved matters applications for the same dwelling. The second application failed, in the Council's view, to address the earlier reasons for refusal, despite repeated requests for further information, in particular additional financial information, which could have been submitted confidentially as part of the application.
12. The applicant was entitled to submit a second application to try and overcome the Council's concerns. The application was supported by additional information, including updated financial information and an explanation of the relationship between the two companies. Whilst the Council still considered the financial information to be lacking, this represents a difference in judgement between the parties, rather than any unreasonable behaviour on the part of the appellant.
13. The Council's second assertion is that the submission of late evidence at the hearing represents unreasonable behaviour, with the suggestion that financial and land registry information could have been submitted earlier.
14. The late evidence was relevant to the case and so I accepted it at the hearing. Although the information had clearly been available to the appellant for some time, the timetable was such that it would not have been possible to have included either the updated financial statement or the land registry information as part of the appeal statement. As the appeals procedure rules do not provide for the submission of further information following the statement, the appellant has not attempted to 'bend the rules', and has not behaved unreasonably. Whilst it may have been helpful to have seen the additional information earlier, the Council was able to read and consider it during the hearing lunch break. It

was not necessary to have a longer adjournment, and so the consideration of the late evidence did not result in any undue delay or in unnecessary expense during the appeal.

Conclusion

15. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated by either party. Therefore, both claims for costs fail.

R Morgan

INSPECTOR

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Appeal Decision

Site visit made on 21 January 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 FEBRUARY 2022

Appeal Ref: APP/L3245/D/21/3287506

Ashleigh, B5063 from South of Norwood to Ellesmere Road end of, Horton, Wem SY4 5ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Lane against the decision of Shropshire Council.
 - The application Ref: 21/03747/FUL, dated 29 July 2021, was refused by notice dated 23 September 2021.
 - The development proposed is erection of garage/store with store and games room above.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form described the development as a proposed garage. However, I have determined this appeal based on the Council's description of development as it is a more accurate specification.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the appeal site and street scene.

Reasons

4. Ashleigh was originally a single storey dwelling which has been extended, including additional rooms to the first floor in the roof space. It is in a rural location, within the open countryside, and has a large garden. Permission was granted in June 2021 for a 3-bay garage and store building to be located in the southern corner of the site towards the end of the existing driveway.
5. The proposed garage/store would be sited in a similar position to the previously approved proposal. It would have four bays, two of which would be open fronted. There would be an external staircase at one side. The footprint of the building would measure around 12 m wide, and 7 m deep compared to 9 m wide and 6 m deep for the 3-bay garage and store building which has been granted permission. Its height would be approximately 6.1 m, similar to that of the house, and compared to 4.5 m for the permitted building.
6. The appeal building would be constructed with an oak frame and timber weatherboarding, as a high-quality sustainable design. The roof would be

finished with slate. The materials would be similar to those proposed in the already permitted 3-bay garage and store building and would be acceptable. However, the scale and massing of the proposed building would represent a significant increase compared to the 3-bay garage and store building and would result in it not appearing subservient to the house and harmful to the character and appearance of the appeal site.

7. The garage/store would be set back from the road and partly screened from view by existing tree and hedge cover. Nevertheless, because of its width, height and scale the building would still appear prominent and harmful to the character and appearance of the street scene when viewed from the road and down the driveway for the house. Its visual impact would be greater than the 3-bay garage and store building already granted permission.
8. The proposal would therefore conflict with Shropshire Local Development Framework Core Strategy policy CS6 which, amongst other things, seeks to ensure that all development is appropriate in scale and design taking into account the local context and character. In view of its failure to appear subordinate to the existing development it would also conflict with Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

Other Matters

9. There is a large tree on land immediately to the rear of the proposed site for the garage/store. Whether or not the tree is protected as stated in the Planning Officer's delegated report, it was not included as a reason for refusing the application. The appellant advises me of inaccuracies in the report concerning references to the Town Council rather than the Parish Council and belief that the delegated decision was incorrectly applied. However, procedural issues are not a matter for my determination in this appeal.
10. The proposed garage/store would be physically separate from the house, but I have no evidence to demonstrate that it would not be used as an ancillary building.
11. The proposal had the support of Wem Parish Council, subject to Council tree officer's recommendations and a condition restricting the building to personal use. However, I consider that these matters would not outweigh the harm to the character and appearance of the site and street scene which I have identified.

Conclusion

12. I have taken all other matters raised into account, including the lack of objections from neighbours. For the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR



Appeal Decision

Site visit made on 21 January 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 FEBRUARY 2022

Appeal Ref: APP/L3245/D/21/3285541

Claypits, Stocks Lane, Welshampton, Shropshire SY12 0NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Jane Marshall against the decision of Shropshire Council.
 - The application Ref: 21/02514/FUL, dated 10 May 2021, was refused by notice dated 6 August 2021.
 - The development proposed is internal alterations to existing house including construction of a first-floor addition above existing utility, plus construction of single storey extension to accommodate ground source heating equipment along with construction of a two-storey extension and the conversion of an existing outbuilding which is to be connected by a glazed link. Works to include constructing a detached garage and altering the route of the driveway including change of use of land to domestic.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have based my decision on the Council's description of development because that includes reference to the change of use of part of the site to domestic use. The Council refers to Shropshire Local Development Framework Core Strategy (Core Strategy) policy CS16 in its reasons for refusal. However, that policy concerns tourism, culture and leisure use and does not appear to be directly relevant to the appeal proposal.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the character and appearance of the dwelling and the surrounding rural area.

Reasons

4. Claypits is a detached 2-storey dwelling set within its own grounds in a countryside location. An access track passes the house and serves a large agricultural building, an outbuilding and stables. There is also a disused swimming pool.
5. According to the Council the proposal would equate to approximately 105 m² of additional floor area resulting in an increase of over 160% in the floor area of the original dwelling (not including the floor area for the proposed converted

- outbuilding, which would be attached via a glazed link). The appellant has not disputed the Council's calculations.
6. The appellant has referred to appeal decision APP/L3245/D/21/3267907 in which a 2-storey extension to provide living accommodation for elderly parents was allowed at The White House, Weston Ryn. However, the circumstances of that case would have differed to those in the appeal before me.
 7. My attention is also drawn to an appeal decision relating to a property in Bowmere Heath (ref: APP/L3245/D/19/3240051) in which the Council had advised the appellant that an extension of no more than 70% is a "useful guide" to remain subservient. The Inspector advised that there is no policy basis for a specific percentage increase to be applied and therefore gave the 70% figure limited weight. Nevertheless, the appeal proposal before me represents a significant increase in the size and massing of the original dwelling and involves a two-storey extension which would not be subservient to the building in its proposed form and scale.
 8. The appellant contends that the property is in extensive grounds and is a substantial residential property and is not a small dwelling that should be retained in order to provide a property in the lower price range; more suited to local persons (first time buyers etc). The Council's supplementary planning document: *Type and Affordability of Housing* indicates that the size of dwellings in the countryside can be of concern because the market is towards providing larger and more expensive dwellings and this tends to exclude the less well-off including those who need to live and work in rural areas.
 9. The Council is therefore concerned to control the size of extensions to houses in the countryside and to ensure that development is sympathetic to the character and appearance of the original building. The proposed extensions to the appeal building and conversion of the outbuilding would clearly represent a significant increase in the size of the residential accommodation and conflict in principle with the Council's supplementary guidance in *Type and Affordability of Housing*. Moreover, the dwelling, as extended in the appeal proposal, would detract from the rural character of the development in this countryside location.
 10. I find that the proposed extensions would harm the character and appearance of the dwelling and surrounding rural area. The proposal would therefore conflict with Core Strategy policy CS5 which seeks to strictly control new development in accordance with national policies protecting the countryside. It would also conflict with Core Strategy policy CS6 which indicates that all development should be in scale taking into account the local context and character. It would fail to comply with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan policy MD2 which, amongst other things, requires development to respond appropriately to the form and layout of existing development including scale. It would also conflict with the objective of achieving well designed places in the National Planning Policy Framework.
 11. Although the conversion of the outbuilding was considered to be acceptable to the Council it would be linked to the proposed extension and cannot be considered as a separate free-standing element of the proposal. The Council also considers that the proposed access changes and garage would be

acceptable. However, no plan has been submitted to precisely define the area which would be subject to the change of use. Moreover, the proposed garage would add to the amount of built development at the site.

Other Matters

12. Permission was granted in 1986 for the erection of a two-storey extension at the property. That permission is no longer extant, and the design and form of the scheme was not identical to the appeal proposal. The permission pre-dates the adopted Core Strategy and SAMDev Plan by several years. Planning policy changes are likely to have occurred since that permission. I therefore find that the planning history of the building does not justify allowing the appeal before me in relation to the proposed extensions to the dwelling.
13. The appellant indicates that the dwelling may be construed due to its age as a non-designated heritage asset. I have no evidence to confirm that it is formally recognised as such by the Council. Issues raised by the appellant regarding the processing of the application by the Council regarding the need for pre-application advice and failure to consult the Conservation officer are not for my resolution and do not affect my determination of this appeal. I acknowledge that the Council did not seek to negotiate with the appellant or offer the opportunity for withdrawal. That is regrettable but does not remove the requirement for me to assess the appeal proposal on its own merits, having regard to its particular site circumstances and relevant development plan and national planning policies.
14. The proposal includes the provision of renewable energy through ground source heating equipment. However, that benefit would not outweigh the harm to the character and appearance of the dwelling and the surrounding rural area from the proposal that I have identified.

Conclusion

15. I have taken all other matters raised into account, including the lack of objection by Welshampton and Lyneal Parish Council. For the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR

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Appeal Decision

Site visit made on 7 February 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/L3245/D/21/3278778

Brook House, Wem Lane, Soulton, Wem, SY4 5RT

- 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 and Mrs C Duell against the decision of Shropshire Council.
 - The application Ref 21/02220/VAR, dated 29 April 2021, was refused by notice dated 29 June 2021.
 - The application sought planning permission for the erection of a two storey and single storey side extension following demolition of existing outbuilding without complying with a condition attached to planning permission Ref 20/04053/FUL, dated 19 January 2021.
 - The condition in dispute is No 2 which states that: "The development shall be carried out strictly in accordance with the approved plans and drawings."
 - The reason given for the condition is: "For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details."
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The disputed condition does not actually list the plans and drawings to which the proposal has to accord, but they are listed later on the decision notice and are as follows: Proposed Plans 1485D1501A received 22.12.2020; and Location/block plans 1485D1502A received 22.12.2020.

Background and Main Issue

3. Permission was granted in January 2021 for the erection of a two storey and single storey side extension on the appeal property (the '2021 scheme'). This application seeks to amend the design of the single storey element of this scheme and so seeks permission to amend the plans with which the development has to accord.
4. The main issue in the appeal is the effect of the amended design of the extension on the character and appearance of the host property.

Reasons

5. Brook House is a double fronted detached house with an attractive central entrance porch and stone mullioned windows which contain decorative cast iron work in the glass. To one side of the house is a brick outbuilding that consists of two parts: closest to the house it is a dual pitched building and attached to the rear of this is a smaller, flat roof building. The Council have indicated that

the house was originally a farmhouse, with the outbuildings, and the buildings to the rear that have now been converted to residential and are under separate ownership, forming the rest of the farmstead. It is not disputed that the building is a non-designated heritage asset.

6. As well as the two storey side extension to the main house, the 2021 scheme proposed to replace the existing outbuildings with an annexe joined to the main house by a small, discrete glass link. As such, this single storey part of the proposal retained the appearance of a separate outbuilding as opposed to being an extension to the house. As a consequence of this, the extensions remained subservient to the main house, and the appearance of the historic relationship of farmhouse and outbuildings was retained.
7. The single storey element of the appeal scheme would be a similar depth to the two storey side extension and would be attached to this. It would utilise similar materials to the main house and the fenestration would have a similar design. Its footprint and volume would be slightly smaller to that already approved, although the ridge height would be slightly higher. Whilst views of it from the public realm would be limited, nonetheless, in contrast to the 2021 scheme, the single storey element of the proposal would clearly be an extension to the house, rather than having the appearance of a separate outbuilding.
8. Moreover, the total width of the extensions proposed would be similar to the width of the house, and cumulatively, the scale and mass of the two storey and single storey extensions proposed in the appeal scheme would not appear as a subservient addition to the house. Taken together with the previous single storey rear extension, the size and scale of extensions to the house would be disproportionate to the host property and result in a loss of its simple form to the detriment of its historic character.
9. Therefore, I consider that the amended design of the extension would unacceptably harm the character and appearance of the host property. Accordingly, it would conflict with Policies CS6 and CS17 of the *Shropshire Core Strategy (adopted March 2011)* and Policies MD2 and MD13 of the *Shropshire Site Allocations and Management of Development Plan (adopted December 2015)* which require proposals to have a high quality of design that respects and reflects local characteristics and conserves and enhances heritage assets. It would also be contrary to paragraph 130 and part 16 of the Framework which indicates that developments should be sympathetic to local character and history, and conserve and enhance the historic environment.

Conclusion

10. For the reasons set out above, I conclude that the disputed condition should remain, and the appeal should be dismissed.

Alison Partington

INSPECTOR