

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

Date: Monday, 21 March 2022

Committee: Northern Planning Committee

Date: Tuesday, 29 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: www.shropshire.gov.uk/NorthernPlanningCommittee29Mar2022

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 1st March 2022, attached, marked 2.

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

3 **Public Question Time**

To receive any questions or petitions from members of the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5.00 p.m. on Wednesday, 23rd March 2022.

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 **Land North Of B4397 Baschurch, Shropshire - 21/03108/FUL** (Pages 5 - 36)

Erection of 20no. affordable dwellings including associated works.

6 **Land Adjacent to the A5 Kinton, Shrewsbury, Shropshire - 20/03976/EIA** (Pages 37 - 70)

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

7 **Painsbrook Farm, Painsbrook Lane, Hadnall - 21/05985/EIA** (Pages 71 - 88)

Construction of two free range poultry houses with feed bins and ancillary equipment.

8 **Appeals and Appeal Decisions** (Pages 89 - 116)

9 **Date of the Next Meeting**

To note that the next meeting of the North Planning Committee will be held at 2.00pm on Tuesday, 26th April 2022.

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Committee and Date

Northern Planning Committee

29th March 2022

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 1 March 2022

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

2.00 - 4.06 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, Vince Hunt, Mark Jones (Vice Chairman), Mike Isherwood, David Vasmer, Alex Wagner and Roy Aldcroft (substitute for Edward Towers)

75 Apologies for Absence

An apology for absence was received from Councillor Edward Towers (substitute: Councillor Roy Aldcroft).

76 Minutes

RESOLVED:

That the Minutes of the meeting of the Northern Planning Committee held on 23rd November 2021 be approved as a correct record and signed by the Chairman.

77 Public Question Time

There were no public questions or petitions received.

78 Disclosable Pecuniary Interests

None received.

79 School House, Overton Road, Ifton Heath, St Martins, Oswestry - 21/05360/VAR

The Technical Specialist Planning Officer introduced the application for the variation of Condition Nos 2 and 11 attached to planning permission 20/02248/FUL dated 5 November 2021.

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

RESOLVED:

That planning permission be granted subject to the completion of a Deed of Variation to the Section 106, such that it applies to this new permission and the conditions as set out in Appendix 1.

80 Proposed Development Land South of Battlefield Roundabout, Battlefield, Shrewsbury - 21/05804/FUL

The Principal Planning Officer introduced the application for the erection of a foodstore (Use Class E), substation, access, associated car parking and landscaping and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on the surrounding area when a previous application for this site was considered by the Northern Planning Committee held on 31 August 2021.

The Principal Planning Officer explained that the previous planning consent for the site had been quashed following a judicial review and noted that a significant change from the previous proposal was the addition of a left-hand turn exit out of the site to take traffic north along the A49 to the Battlefield Roundabout.

Members' attention was drawn to the information contained within the Schedule of Additional letters which included a representation from the Case Officer regarding an amendment to the Officer recommendation and a representation from Tesco which included comments in response from the Case Officer and the Applicant. The Principal Planning Officer read out a point of clarification from the Highways Officer that had been received that morning in response to the representation from Tesco.

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

Bryn Richard, 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.

During the ensuing debate some Members expressed concern in relation to the impact of the development on the traffic on Battlefield Road. Members welcomed the addition of the exit road on to A49, however, it was felt that the construction of this road should be brought forward to early part of the development.

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

That in accordance with the Officers recommendation authority be delegated to the Assistant Director to grant planning permission subject to:

- An amendment to the Construction Traffic Management Plan to ensure the construction of the exit road onto the A49 was brought forward to an early part of the development;

- The conditions as set out in Appendix 1, and any amendments considered necessary to these conditions and the completion of a Section 106 obligation which will secure the exclusive marketing of the existing Arlington Way site for defined employment uses for a 10 year period; and
- An amendment to Condition 22 as outlined on the Schedule of Additional Letters.

81 **Greenacres Rural Training Centre, Fenemere Lane, Fenemere, Baschurch - 21/04211/FUL**

The Technical Specialist Planning Officer introduced the application for the 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. Members' attention was drawn to a letter received from a local resident in objection to the application. It was explained that as the development was on Council owned land, the applicant would be required to enter into an MoU in relation to the proposed affordable housing and a community liaison group.

Adrian Thompson on behalf of a local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Steve Gregory, on behalf of Baschurch 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) Councillor Nick Bardsley, local Ward Councillor, made a statement against the proposals.

During the ensuing debate some Members expressed concern regarding the isolated location of the site whilst other Members considered such a location very important for this development noting that it would be closely associated to the existing enterprise at Greenacres.

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 subject to the conditions set out in Appendix 1 and the applicant entering into a S106/MOU.

82 Knockin Hall Farm, The Avenue, Knockin - 19/04432/EIA

The Principal Planning Officer introduced the application for the erection of an extension to a poultry unit including silos and all associated works and drew Members' attention to the information contained within the Schedule of Additional letters which included a further letter of objection from a member of the public.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Vince Hunt, local Ward Councillor, made a statement and withdrew from the table and took no part in the debate and did not vote on this 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 in accordance with the Officers recommendation authority be delegated to the Assistant Director to grant planning permission subject to:

- The satisfactory submission of an addendum to the noise report, on noise, in relation to the air scrubbers; and
- The conditions set out in Appendix 1 and any modifications to these conditions as considered necessary by the Assistant Director.

83 Appeals and Appeal Decisions

Discussion took place in relation to the appeal decisions for Land off Lowe Hill Road, Wem and Land to south of the Meole Brace Retail Park. The Solicitor explained that as both applications were delegated decisions it was not appropriate for Committee's views to be included in response to these appeals. Additionally, it was noted that responding to an appeal was a delegated matter.

RESOLVED:

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

84 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, 29th March 2022 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed _____ (Chairman)

Date: _____



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|-----------------------------|
| <u>Committee and Date</u> |
| Northern Planning Committee |
| 29 th March 2022 |

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|-------------|
| <u>Item</u> |
| 5 |
| Public |

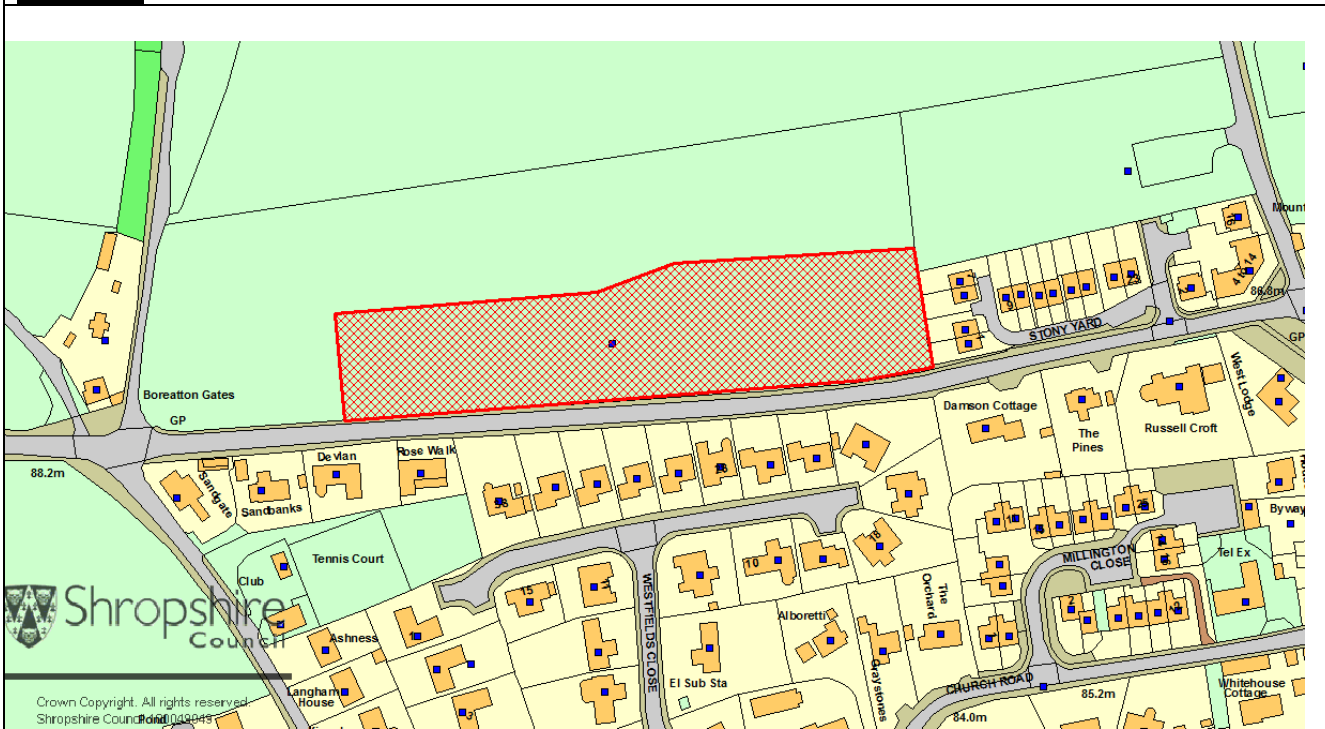
Development Management Report

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

Summary of Application

| | |
|---|---|
| <u>Application Number:</u> 21/03108/FUL | <u>Parish:</u> Baschurch |
| <u>Proposal:</u> Erection of 20no. affordable dwellings including associated works | |
| <u>Site Address:</u> Land North Of B4397 Baschurch Shropshire | |
| <u>Applicant:</u> Mr Scott Drummond | |
| <u>Case Officer:</u> Shannon Franklin | <u>email:</u> shannon.franklin@shropshire.gov.uk |

Grid Ref: 342245 - 322210



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and any amendments to these conditions as considered appropriate by the Assistant Director and the signing of a section 106 agreement securing the affordable housing in perpetuity and reduction in the speed limit.

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 20 no. affordable dwelling, to the northern edge of the village of Baschurch.
- 1.2 The submission of the application follows the receipt of pre-application advice from Officers, albeit relating to a scheme for 14 no. dwellings which concluded as follows:

The proposed scheme of 14 no. affordable dwellings within the open countryside immediately adjacent to the Baschurch development boundary is acceptable in principle.

As the details of the scheme provided at present are indicative and subject to change, a full assessment would be undertaken at application stage to ascertain the schemes compliance with adopted development plan policies.

Additionally, the dwelling types and tenure would need to tie up with the established housing need and this is a matter which should be discussed with the Council's Affordable Housing Team at an early stage as the proposals are prepared.

2.0 SITE LOCATION

- 2.1 The application site comprises of an area of agricultural land to the north of the village of Baschurch. The land is currently laid to grass.
- 2.2 To the south the site is bounded by Station Road (B4397), to the east by residential dwellings accessed off the cul-de-sac Stony Yard and to the north and west by additional agricultural land.
- 2.3 The northern boundary of the site is open to an agricultural field, which has a northern boundary formed of a native species hedge planting, this hedging whilst young has established although it is still of a relatively low height and density. To the west and south the boundaries are open to the highway/public footpath bounding the highway. To the east the boundary is formed by mixed native species hedging.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application has been referred to the northern planning committee for consideration for the following reasons:

- The Local member has commented on the application, objecting to the scheme and ‘calling-in’ the application for committee consideration within 21-days of notification of the application. The comments provided by the Local Member contain material reasons for their objection/concern (provided at paragraph 4.2.1)
- The Parish Council have objected to the scheme and have raised material reasons for their objection (see paragraph 4.1.1).

As such the application has been considered at the relevant agenda setting meeting and the Chair and Vice Chair of the committee, in consultation with the Principal Planning Officer and have confirmed that a committee decision is appropriate.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Parish Council – 13.08.2021 – Objects

Baschurch Village Ethos

The village of Baschurch is designated as a Community Hub, with Baschurch Parish Council choosing to adopt this designation during the SAMDev process. Baschurch Parish Council is known to be a forward thinking Parish Council which encourages development that truly meets local needs and which is delivered in a sustainable way and which enhances the already built form in the village. Baschurch Parish Council has always engaged positively and enthusiastically with development plans and strategies.

Baschurch Parish Council believes passionately that everyone should have access to their own home in an area they want to live in and can feel proud of. For this reason, Baschurch Parish Council has worked tirelessly with developers, planners and policy officers to include good quality affordable dwellings interspersed with market value dwellings as part of all new development in the village, rather than pushing affordable housing away into locations that do not encourage integration or accord with a sense of inclusion and community.

The village of Baschurch has distinct development boundaries, particularly to the north and south of the settlement. It has been identified in SAMDev and also the emerging Local Plan Review that development either to the north or to the south of the existing development boundary is undesirable as this further elongates the village, causing isolated development that is not able to integrate with the settlement community and which is also isolated from services and infrastructure, generating reliance on car journeys to access any facilities.

The Proposed Site

The proposed site forms part of the very large field to the north of the village, categorised on the Agricultural Land classification as being Grade 2 very good. This part of the field was only subdivided into a smaller area less than 5 years ago, coinciding with the refusal to allow part of this field as an exception site, a decision that was upheld at appeal.

Proposed Development Site and Highway Impact

The proposed site sits north of the development boundary on a main and very busy 'B' designation road (B4397). Following extensive research by Shropshire Highways team and public consultation, in October 2016 the legal speed limit was revised along this section of road, with the speed adjacent to the development site set at 40mph, reducing to 30mph on entering the village further along the road. Baschurch Parish Council operates a number of speed VAS signs and can evidence that speeding along this road is still a significant issue and, to date, no form of mitigation or enforcement has been shown to bring down the speed of vehicles in this location to legal and acceptable levels.

The highway designation and speed of vehicles in this area forms a highway barrier at the northernmost boundary of the village. Dwellings above this highway will be disadvantaged by the presence of a busy highway, which will make pedestrian journeys undesirable, will discourage residents, particularly children, being able to access their community facilities on foot and will push those residents into car journeys or not integrating at all. This is completely unacceptable and undesirable.

Cumulative Impact

The proposed site is adjacent to Stony Yard, an affordable housing exception site of 20 dwellings constructed in 2015. The cumulative impact of adding another 20 affordable houses in this location is unacceptable. In the appeal decision APP/L3245/W/16/3146988 (Shropshire reference 16/02434/REF), the Planning Inspector, in dismissing the appeal on another site adjacent to the existing, states;

"The development in combination with the adjoining Stony Yard housing scheme would introduce a nucleated form of development which would be out of kilter with the existing arrangement and be significantly harmful to the character and appearance of the area contrary to SAMDev Policy MD2, which requires new developments to respond appropriately to the form and layout of existing development and layout.

"These matters weigh heavily against the proposal and are not balanced by the close proximity of the appeal site to local shops and some services. In the light of the above, I therefore conclude that notwithstanding the flexibility embodied within the development plan that allows sustainable development to come forward, the location of the appeal proposal would not provide a suitable location for housing having regard to the principles of sustainable development embodied within the Framework. In addition, it would also fail to comply with Core Strategy Policies CS4 and CS5 and SAMDev Policies MD2 and MD7a."

The view of the planning inspector in that appeal stand as true today as it did then. Provision of affordable housing should enhance a settlement, providing residents with homes that form part of the settlement which are sustainable. The addition of a further 20 affordable houses in this location sends the message that we do not accept social housing residents within our community, that they should be excluded and isolated - this is simply not true and is unacceptable. Baschurch

Parish Council has always been clear that affordable housing should be fully integrated within the community and within market value development.

In the context of a village setting, having 40 affordable homes outside of the development boundary in an isolated situation is unacceptable and risks "ghettoising" affordable housing.

Visual Impact

In the appeal decision APP/L3245/W/16/3146988 (Shropshire reference 16/02434/REF), the planning inspector makes reference to the pastoral landscape in this area stating *"The development would be highly visible on the approaches to the village from the north and the west and would substantially interrupt the prevailing open pastoral landscape character ..."*.

4.1.2 **SC SUDS – 14.07.2021 – No Objection**

Conditions and informatives recommended.

4.1.3 **SC Conservation**

Final comments – 09.11.2021 – No objection

Thank you for your email requesting comment on the submitted HIA for the above application.

Having read the submitted assessment we consider that whilst it has identified heritage assets which require assessment and acknowledged the GII listed gates and piers served Boreatton Hall, the only place within the document which states that Boreatton Hall is GII* listed is the Appendix, where the listing description for it appears. Section 3.10 deals with value and how this contributes to significance. It should therefore be noted that according to the table included in this section that Boreatton Hall, holds a level of value that is Exceptional in terms of significance, Gate piers, gates and railings at the historic entrance to Boreatton Hall (GII) holds a value of High, Boreatton Gates (previous lodge to Boreatton Hall) as a non-designated heritage asset holds a medium level of value due to its association with Boreatton Hall etc. We do not consider that the assessment actually assesses these heritage assets in this section but predominantly refers to the character of the area and the development site. The levels of value are therefore low.

In terms of setting this is assessed in 4.0 - the assessment would appear to conclude in 4.6 that the development "... will not devalue to any degree the significance of the adjacent buildings, both their tangible values, such as historic setting, or associational values, such as the placing within the streetscape, as the work is partially screened by boundary planting... proposals will effectively preserve the significance and setting of the heritage assets which are sufficiently distant from the site...". Whilst we would not wholly disagree with the overall conclusions of the assessment we do not consider that it sufficiently assesses the significance of the main designated heritage assets and that we consider their significance has not been factored into the overall level of harm being noted as neutral. We would conclude that there is no harm to the actual designated heritage assets themselves, but this is attributed to the fact that the proposed development stops short of the western boundary of the agricultural land upon which it is proposed and that it takes the general form of ribbon development and

not because the development is sufficiently far away and the boundaries are strong.

We would state that as the development has not advanced nearer to the designated heritage assets or further encroached into the rural landscape, where we would consider it likely to cause harm due to the impact on the designated heritage assets caused by cumulative impact of urban sprawl development, we do not consider that it will cause harm. Should the size and density of the development site increase to the west and north then, as noted above, we would consider that there is the potential to cause harm.

If the development is considered acceptable in DM terms then we would suggest the following conditions are attached to ensure that the proposed development does not cause harm by the use of inappropriate materials and detailing. We would also request that Plots 5 88 and 15,16 have chimneys.

CC1 (samples required) including boundary treatments, JJ7 (please include chimneys), JJ9, JJ20.

Initial comments – 18.08.2021 – Additional information required.

Historic Environment Team comments made the following comment on PRE-APP/20/00525:

- Should the development be acceptable in Development Management terms we would encourage the design of any proposed dwellings should reflect the local vernacular detail in terms of scale, details, materials and layout.
- Developments of this type have the potential to have an adverse impact on the landscape character of the area. However, this is not something which the Historic Environment Team can advise on. We would therefore suggest that if considered necessary Development Management consider obtaining the opinion of an appropriately qualified Landscape professional.
- The gate piers, gates and railings at the historic entrance to Boreatton Hall are Grade II listed in their own right and Boreatton Hall is a Grade II* listed Country House dated 1675. The gates, piers etc are approximately 186 m from the western boundary of the application site together with a non-designated lodge, therefore, consideration should be made with regard to this fact when preparing information to accompany any subsequent planning application. Although the development itself is unlikely to cause harm to Boreatton Hall any harm caused to the significance of the designated gates etc and the non-designated lodge by development within their setting, should be addressed through sensitive design of boundaries and dwellings on this site. We would therefore suggest that a Heritage Impact Assessment is undertaken with regard to the above mentioned designated and non-designated HA's.

In addition to this we make the following comments:

We are of the opinion that the comments made have not been actioned as there is no HIA and we would question the validity of the hipped roof bungalows proposed for plots 5-8 and the design detailing for plots 4 and 10 (one half of semi-detached).

As a gate way site to the village it is important that the design, siting and use of materials is clearly based on a design analysis of the village and consider nearby heritage assets.

We would refer you the National Design Guide https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf and <https://www.gov.uk/government/publications/national-model-design-code> along with Planning Practice Guidance on the matters of design.

4.1.4 **SC Highways – Final Comments – 17.03.2022**

I refer to your email below and attached Transport Note – Supplementary Transport Statement (TN), in response to previous highway advice.

Based upon the TN I consider that the highway and pedestrian safety implications of this development have been properly considered. Having done so, I do not consider that a highway objection either on capacity or highway/pedestrian safety grounds is warranted or defensible. Key however to the acceptability of this development scheme is are the works shown on **Plan 001 – Proposed Off-Site Highway Works** which accompanies the TN. This shows:-

- Requirement to widen the footway from the adjacent housing site to the development access point.
- Improve the pedestrian crossing point at the Cross Roads junction.
- Relocate the 30 mph speed limit.
- Extend the street lighting to accommodate the changes to the speed limit.

It is considered that the above off-site highway works would be the subject of a Grampian Style planning condition. The speed limit changes would need consultation with the Parish Council and Police and could be incorporated into the Section 278 Agreement which would cover the footway improvements.

In conclusion therefore the highway authority raise no objection to the granting of consent subject to the following Conditions being imposed:-

- Prior to the commencement of development full engineering details of a highway scheme to include the widening of the footway along the B4397, extension to the street lighting and changes to the speed limit shall be submitted to and approved in writing by the Local Planning Authority; the approved works shall be fully implemented prior to any dwelling being first occupied. **Reason:** To properly coordinate the delivery of highway infrastructure to serve the development.
- 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 be implemented fully in accordance with the approved details for the duration of the construction period. **Reason:** In the interests of highway safety.

- Prior to any dwelling being first occupied the access and internal access road shall be laid out in accordance with the approved plans together the access and internal road being constructed and final surfaced in accordance with a construction phasing scheme to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** To ensure the coordinated completion of the access and internal estate road to serve the dwellings.
- Prior to any dwelling being first occupied, visibility splays shall be provided at the access onto the B4937 in accordance with the approved plans; all growths/obstructions in advance of the visibility splays shall be lowered to and thereafter maintained at a height not exceeding 0.6 metres above the level of the adjoining highway carriageway. **Reason:** To provide and maintain adequate visibility at the B4397 junction in the interests of highway safety.

Further comments – 06.02.2022 – Additional information required

I refer to previous discussions regarding this application and the comments set out in my email below dated 14th November.

Notwithstanding my comments below, Option B is not acceptable and in particular access to plots 13-20 with individual drives and no turning space to allow vehicle entry and exit in a forward gear. Option A has more merit in terms of providing a single point of access. As set out below though, no traffic speeds have been provided but visibility splays have been shown as 2.4 x 140 metres in a westerly direction and 2.4 x 70 metres in an easterly direction. The proposals merely seek to move the 30 mph speed limit further to the west but without any evidence to show how traffic speeds would potentially reduce based upon the current speed of traffic.

The development would result in additional pedestrian crossing movements to gain access to the local amenities and particularly the school. This has not been considered in terms of pedestrian safety and convenience and should be included in a TS.

Further comments – 14.11.2021 – Additional information required

Whilst I note that this application is due to go to the November committee with a recommendation for approval, it does concern me that no response has been received to the highway comments provided.

WSP are correct when discussing the desire for an open frontage to create side friction with traffic along the adjacent Class II road. I understand however that there is a strong planning desire to maintain the hedge line. The retention of the hedge line however maintains that rural feel and a difficulty when seeking to reduce traffic speeds. The application mentions moving the speed limit to take the current 30 mph limit in a westerly direction and therefore encompass the development within the 30 mph speed limit. Whilst in itself this is good practice, there is a need to establish what the existing traffic speeds are and what traffic management is required to actually assist in the reduction of traffic speeds.

Whilst the application is supported by a Transport Statement (TS), in my view this statement is lacking in any detail or content to provide any degree of confidence that this development is satisfactory or that highway impact and safety has been properly assessed and appropriately dealt with. In short the TS is inadequate.

As I mentioned to you in our conversation, the access road layout lends itself to a private drive arrangement and the location of the footway on the southern side of the internal access roads is illogical. I consider the footway should be along the northern side to directly serve the property frontages. The southern side footway should be removed as it provides no real purpose.

Whilst I appreciate that the above is not the positive response to align with the likely planning recommendation to approve this development.

Initial comments – 06.08.2021 – Additional information required

Although, the general principle of the proposed development is acceptable, from a highways and transport perspective. It is considered that the applicant has not considered the adjacent highways and traffic situation or the interaction of pedestrian/active travel movements sufficiently. To adequately demonstrate that the development is unlikely to have an adverse impact on the local highway situation.

Currently the site is located outside the village 30mph speed limit. Ideally this speed limit should be extended to encompass the proposed development. As this can only be done by Shropshire Council an appropriate financial contribution should be sought from the developer to cover the Council's costs in introducing the Traffic Regulation Order. In addition, this extension to the speed limit will only become effective and self-enforcing, if the residential development is open to the B4397, creating an active frontage and "side friction" (Manual for Streets) adding to the built up environment of the village.

An active frontage could be created by having the proposed properties having direct access the B4397, providing both vehicular and pedestrian movement along the road so passing traffic are likely to maintain a lower speed through the village, enhancing the location and improving highway safety. Also, a proper width footway should be provided across the site frontage and extending the B4397/B5067 junction. To provide suitable pedestrian access to the local amenities.

It may also be appropriate to provide a formal pedestrian crossing facility on the B4397 near its junction of the B5067 to further improve pedestrian routing between the site and the local amenities (school, shops, etc.). This would also assist in speed compliance through the village.

Notwithstanding the above the currently proposed layout of the development site, is not ideal, as several properties are not served by an adjacent footway, requiring pedestrian to walk in the carriageway. The currently proposed footway on the south side of the estate road is considered redundant and superfluous, as it serves no properties directly.

If the developer is seeking the proposed internal highway infrastructure to be adopted, as highway maintainable at public expense. It is recommended that, discussions are opened with Shropshire Council, to ensure that the layout and construction are in accordance with the emerging design guidance.

The following informative notes may be of assistance.

Section 38 Agreement details

If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into

<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety. <https://new.shropshire.gov.uk/planning/faqs/>

4.1.5 **SC Ecology – 02.08.2021 – No objection**

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

4.1.6 **SC Parks and Recreation – 13.07.2021 – No objection**

Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom.

The Design and Access plan now acknowledges the need for open space as set out under SAMDev Policy MD2.

The development includes 34 bedrooms equating to 34 people. Working on 30 square metres per person it equates to an area of 1020m², as the development appears to offer 1319m² Officers are happy that the development fulfils the planning criteria.

4.1.7 **SC Trees – 03.08.2021 – No objection**

There are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified 3 individual trees and 2 hedgerow which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The AIA has demonstrated that all trees and hedgerows can be retained and protected and provides details of this.

Landscaping and the planting of trees is an essential element of any sustainable development and provision must be made within the site layout to provide space to plant long lived, large canopy trees for the long-term benefit of the site and surrounding area. Landscaping details should be provided to support the application.

The following condition is recommended:

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

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

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted 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.

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

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

4.1.8 **SC Affordable Housing – 06.10.2021 – No objection**

There is a need for affordable housing in Baschurch as at August 2021 there were 38 households on the housing register requiring an affordable home in Baschurch. However as this is a rural exception site only those applicants with at least 2 local connections can be housed in one of these affordable homes and that reduces the need down to 24 households. Of the 24 households the majority need a 1 bedroomed home (12) with 2 bed need next (6) and then 3 bed need (4) and lastly 4 bed need (2).

The Right Homes Right Place survey also shows a need for some affordable housing for low-cost home ownership.

4.1.9 **West Mercia Constabulary – 29.07.2021 – No Objection**

comment on this proposal as Design Out Crime Officer for West Mercia Police. I do not wish to formally object to the proposal at this time. However there are opportunities to design out crime, reduce the fear of crime and to promote community safety.

Therefore should this proposal gain planning approval the below advice should be considered by the developer.

The developer should aim to achieve the Police Crime Prevention initiative award of Secured By Design. Secured By Design is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment. The scheme has a proven track record in crime prevention and reduction. The opportunity for burglary offences to occur can be reduced by up to 87% if Secured By Design is achieved. There is a clear opportunity within this development to achieve the Secured by Design award. By doing so it can also address the requirements of the new Approved Document Q.

Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies to builds within Conservation Areas. Approved Document Q creates security requirements in relation to doors at the entrance to a building, including garage doors where there is a connecting inner door leading directly into the dwelling. Also included are ground floor, basement and other easily accessible windows; and any easily accessible roof-lights. The requirement is that the product must be shown to have been manufactured to a design that has been tested to an acceptable security standard.

In recent times there has been a tendency to install thumb turn locks on front doors. This type of locking device should only be considered when the lock cannot be easily seen from the outside, any glazed panels are fitted with laminate glass to standard PAS24:2016 / STS 201 and a deflector is fitted to the inside of any letter box opening. Thumb turn locks should never be considered for rear doors if they are half glazed and the internal thumb turn can be easily seen from the outside. This will increase the potential for burglary and other offences to occur.

The principles and standards of the Secured By Design initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com

During the build the developer has a responsibility for site security. They should aim to keep any compound, machinery and tools as secure as possible whilst on site. Offenders will visit such sites to test security measures that are or are not in place and if they are not up to standard then they will be attacked causing an increase in crime in the locality. Every effort should be made to keep property safe and secure. The Design Out Crime Officer can offer professional advice if requested to do so.

Please do not hesitate to contact me if you would like clarification of any of my comments.

4.1.10 **SC Archaeology – 03.08.2021 – No Objection**

In reviewing the block plan I note the northern boundaries of plots 1-4 encroach very close to a cropmark ring-ditch, which represents the remains of an Early Bronze Age burial monument (visible as a circular feature on the aerial photograph that the site plan has been laid over on the block plan). I'd prefer it if the site boundary for these plots were pulled back from this feature to the boundary line of the existing house immediately to the east to provide a greater stand off from the feature to protect the archaeology, which is effectively what was shown on the plans that came in with the pre-app last year (PREAPP/20/00525).

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site, advertisements in the local newspaper and the Council's website. Additionally, the residents of eighteen neighbouring properties were notified by way of publication of this application. At the time of writing this report, objections from seven individuals, together with the Parish council and Local Member have been received.

4.2.1 The Local Member's comments are as follows:

Thank you for the formal notification dated July 13th. I wish this application to be determined by the Northern Planning Committee, rather than delegated to officers because of the application:

- *is for the development of land outside the development boundary for the village of Baschurch "The development would be highly visible on the approaches to the village from the north and especially from the west and would substantially interrupt the prevailing open pastoral landscape." (From 2016 Stony Yard Planning Appeal Decision) - would make an already renowned highways safety problem on the B4397 even worse because the 0.6 mile straight stretch of road from the Ruyton XI-Towns direction into Baschurch induces constant speeding by some drivers and is very dangerous. The 40 mph signs do not act as a deterrent to speeding on this stretch of road.*
- *- is for a concentration of 20 affordable dwellings conflicting with policies in the current SAMDev Local Plan and those proposed in the emerging Local Plan. Having two adjacent Affordable Housing developments isolated on the extreme western edge of the village, and therefore not integrated with the main village housing developments, would create an area out of kilter with the existing village housing structure. - provides wholly inadequate access to village services for occupiers of the proposed dwellings*

4.2.2 The reasons cited for within the comments of objection can be summarised as follows:

- The road serving the site is not suitable for additional traffic;
- Planning permission at the site has previously been refused;
- The application site is not environmentally sustainable;
- The proposed dwellings should be design the be energy efficient including solar panels to provide low cost bills as well as affordable homes for residents;
- The site will not integrate well into the village;
- The neighbouring site only got planning permission via appeal;
- The village of Baschurch and its services (Schools, doctors, water and sewage) is at full capacity and further residential development cannot be accommodated;
- A further 88 dwellings are proposed for Baschurch within the Local Plan Review and the village cannot accommodate anymore;
- Station Road (B4397) forms a boundary to the countryside and development north of it should not be permitted;
- The layout and design are flawed and not suitable for a village location;
- The road speeds to Station Road (B4397) are not suitable for residential development and a reduction in traffic speed is not guaranteed as part of the application;
- Overlooking concerns to existing neighbouring dwellings;
- Plans suggest further development is proposed in future;
- Impact of the proposal on the visual appearance and character fo the surrounding landscape;

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Layout, scale, design, character and appearance**
 - **Impact on neighbouring properties**

- **Access and parking**
- **Landscape, ecology and trees**

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The proposal relates to the provision of 20no. affordable dwellings on a site immediately adjacent to the development boundary of the village of Baschurch.
- 6.1.2 The NPPF seeks to ensure the delivery of a sufficient supply of homes and advises at paragraph 62 that *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies'*. Paragraph 78 of the NPPF states that *'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 78 goes on to states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'* Paragraph 80 of the NPPF also recognises that the creation of isolated homes within the countryside should be avoided with a number of exceptions including the subdivision of existing residential dwellings.
- 6.1.3 The application site is outside of the development boundary of Baschurch, a designated Community Hub identified within Site Allocations and Management of Development (SAMDev) Policy S16.2(i), and is therefore classed as open countryside where open market housing would not be supported. However, the Type and Affordability Housing Supplementary Planning Document (SPD) and Core Strategy Policy CS11 allow for the provision of affordable housing as part of an 'exception site' in accordance paragraph 78 and criterion (f) of paragraph 149 of the National Planning Policy Framework. 'Exception sites' are in locations that would not normally obtain permission for open market housing development but an exception is made (subject to satisfying certain criteria) for proposals that relate to development of affordable housing for local people.
- 6.1.4 Within the Shropshire Local Development Framework, Core Strategy Policy CS11 permits *'exception sites 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 scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity'*.
- 6.1.5 Policy CS5 allows such homes in the countryside *'on appropriate sites which maintain and enhance countryside vitality and character'*, while MD7a of the SAMDev states 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'*.

6.1.6 The SPD requires that any affordable housing provided should be proportionate in scale to meet the needs of the settlement and be reflective of the size of the existing community. The housing enabling team have confirmed within their comments (see paragraph 4.1.8) that there is an identified need for 38no. affordable dwellings within Baschurch. Rural exception site affordable housing is allocated such that those first offered accommodation will be people with 2no. local connections – this therefore reduces the current identified need in Baschurch to 24no. dwellings, still in excess of the total number of dwellings proposed.

6.1.7 The SC Affordable Housing team have confirmed that of the 24no. households who would qualify for housing in the first round of allocations on a rural exception site within Baschurch the following accommodation is required:

- 12 need a one bedroomed home – the application site provides 10no. one bedroomed properties;
- 6 need a two bedroomed home – the application site provides 6no. two bedroomed properties;
- 4 need a three bedroom home – the application site provides 4no. three bedroomed properties;

and lastly 2 need a four bedroom home however the application site does not include any four bedroomed units.

6.1.8 While it is noted that there are existing developments currently ongoing within Baschurch (referred to in the representations made on this application), these were allocated as part of the local plan review process and the need for affordable housing will remain after completion of these other developments. The proposal is therefore supported from a housing need perspective and it is considered that the number of homes in addition to those which will be provided as part of development on open market sites throughout Baschurch is suitable and is reflective of the size of the community.

6.1.9 SAMDev Plan policy MD2 requires, among other matters, that development proposals must consider the design of landscaping and open space holistically as part of the whole development and provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set. It seeks to incorporate natural and semi-natural features such as trees, hedges, woodlands, ponds, wetlands and watercourses in schemes. With regard to open space part 5 ii of policy MD2 states:

“providing adequate open space of at least 30 sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural features. For developments of 20 dwellings or more, this should comprise of an area of functional recreational space for play, recreation, formal or informal uses including semi-natural open space;”

- 6.1.10 Part 5 iv of the same policy requires there to be measures in place to ensure that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity.
- 6.1.11 The SAMDev text supporting policy MD2, at paragraph 3.13, advises that the 30 sqm per person standard is calculated for residential developments on the basis of one person per bedroom. The proposal will deliver 36no. bedrooms and therefore should provide a minimum of 1080 m² public open space. The SC Parks and Recreation team have confirmed that the proposed provision of public open space on the application site; comprised of three areas 422m², 298m² and 599m²; totalling 1319m² is acceptable. Following revisions to the proposal to address the comments of the SC highways team and additional strip of green-space/landscaping to the southern boundary fronting the B4397 has been created however this is not considered to be additional useable public open space.
- 6.1.12 It is accepted that the development is located within countryside for the purposes of policy however it is immediately adjacent to the development boundary of a recognised settlement in Policy S16.2(i) and therefore has access to the facilities and services within this settlement. Baschurch has been identified as a sustainable location for development with a suitable level of services to support additional residents and visitors within Policy S16. There is a recognised need for the type and scale of housing proposed affordable one to three bedroomed dwellings, in the village (identified within the Right Home Right Place Survey undertaken in 2019) as well as confirmed by the SC Affordable Housing consultee. The type, scale and tenure of properties proposed will meet the specific needs of those currently awaiting housing allocation, provision of which as an exception site would be in line with the SPD and CS11.
- 6.1.13 Both the Parish Council and the Local Member, together with residents making representations, have highlighted the distance of the site from services within Baschurch. Within Baschurch there are a variety of services available including a convenience store (565m) to 630m), a doctors surgery (1475m), and primary (390m) and secondary schools (9580m) all of which are within 1.5km walking distance from the site utilising the existing highways network. Additionally, the nearest bus stop which has an hourly service (12 services per day Monday to Saturday) to Oswestry and Shrewsbury is outside the site. It is therefore considered that in terms of proximity to services the site is sustainable and within walking and cycling distance of everyday needs of residents while larger services and provisions can be accessed via the existing public transport network or use of private cars.
- 6.1.14 It is considered that the development would score positively against the mutually dependant three dimensions of sustainability set down in the NPPF; Economic, Social and Environmental; whereas a similar development for open market housing would not score sufficiently in the social limb in order for concerns over conflict with policy due to its siting outside the development boundary, and can therefore be supported as an exception site in line with the policies set out above.

6.2 Layout, scale, design, character and appearance

- 6.2.1 SAMDev Policy MD2: Sustainable Design and Core Strategy Policy CS6: Sustainable Design and Development Principles, require developments to protect

and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character while safeguarding residential and local amenity. MD13: Historic Environment and CS17:

Environmental Networks seek to ensure that development protects and enhances the local character of the built and historic environment, together with protecting environmental assets within Shropshire and creating a network of natural and historic resources for residents and visitors to access and benefit from.

- 6.2.2 The application proposes a row of dwellings to the north side of the B4397 in pairs of semi-detached properties with a set of apartments to the western end. The houses are sited such that all have suitably sized gardens to the rear and two parking spaces to the front or side of the properties with some also benefitting from front gardens. The proposed apartments have one parking space each. The scale of the dwellings and their curtilages is slightly smaller than those neighbouring properties to the south fronting Westfield Close which are two storey detached properties but similar in scale to those properties on Stony Yard to the east such that concerns regarding layout or siting are not identified.
- 6.2.3 The neighbouring dwellings along within the wider locality, Stony Yard, Westfield Close and properties accessed from the B4397 are a mixture of bungalows and two storey dwellings, most of which are detached and are constructed of brick with concrete tile roofs and some areas of render detailing. The proposal seeks to respond to this mix of development including bungalows, an apartment block and two storey dwellings of up to three bedrooms in scale. The existing neighbouring houses are sited to the south and east of the site. In order to ensure that there is no overlooking to the east and to ensure that the scale of the development reflects the layout of the existing village, the dwellings have been set back slightly from the road frontage and are accessed of a cul-de-sac.
- 6.2.4 Local residents have commented in their representations that the scale of development; 20no. dwellings, would result in a significant increase upon the demand for services in the village including schools and doctors' surgeries. While it is accepted that demand will increase, this will be proportionate to the development and the existing projections for the wider village expansion. It is not considered that this small-scale development would significantly impact provision of services in the village and it is recognised that other developments which do not constitute exception sites for affordable housing, will incur financial contributions through the Community Infrastructure Levy (CIL) to provide additional and improved services within the village, catering for long term expansion and an increase in residents.
- 6.2.5 Within the representations made there have also been comments pertaining to the visual impact of the proposal on the landscape and wider locality. From a heritage perspective the SC Conservation consultee has confirmed that the proposal is acceptable and that following the submission of a Heritage Impact Assessment (HIA) the scheme is compliant with policy MD13 of the SAMDev.
- 6.2.6 With regards to landscape and visual impact, Officers recognise that the proposal will be visible when approaching from the west along the B4397 and from the north when approaching along the classified road (C1046 STANWARDINE TO BASCHURCH) from Stanwardine however the proposal will not appear out of

context given the existing development north of the B4397 and to the south side of the road. The proposal includes a mixed scale of properties, a landscaping scheme is proposed and the boundary treatments to the elevations where prominence is greatest will be post and rail fencing and native species hedging which will be controlled by condition. As such, whilst Officer accept there will be some limited visual harm on account of the development the weight attributed to the harm is not significant given the context and proposed mitigation.

6.2.7 Additionally, in reference to comments regarding character, the neighbouring dwellings at Stony Yard are accessed off a cul-de-sac with a landscaping belt to the road frontage, as is proposed at the site and this layout style cannot therefore be considered out of character. Similarly, the dwellings Rosewalk and Devan to the south side of the road share a highways access point from the B4397, as do properties opposite Stony Yard and on Station Road to the east. It cannot therefore be argued that individual accesses onto the B4397 are out of character for this area of Baschurch. The properties to the east on the northern side of the road (The Willows and Mount View) taken cumulatively within the subsequent development of Stony Yard, have introduced a linear pattern of development along this northern edge of Baschurch. The proposal will continue this pattern of development and Officers do not consider that the application represents a conflict with this existing character.

6.2.8 The proposed layout, scale, design and appearance of the development is considered acceptable and will not have a significant adverse impact on the character and appearance of the locality and any perceived negative impact is far outweighed by the social and economic benefits of providing much need affordable housing. The proposal is therefore considered to accord with CS6, CS17, MD2 and MD13.

6.3 Impact upon neighbouring properties

6.3.1 Policy CS6 also requires new development to safeguard residential amenity, as such consideration of the proposal impact upon existing neighbours as well as within the development itself.

6.3.2 The separation distance between plot 1 of the proposal and the nearest neighbour to the east, No.7 Stony Yard, is considered to be acceptable. Due to the properties differing orientation and the staggering of the dwellings, no overlooking to the properties within Stony Yard will occur and the proposal will not be experienced as overbearing or cause unacceptable levels of overshadowing.

6.3.3 With regards to the properties to the south, some which front Westfield Close and have their rear gardens and facades facing the development together with the detached bungalows known as Rose Walk and Devlan which are accessed from the B4397, it is not considered that unacceptable overlooking or impact upon the residents privacy will occur as a result of the proposal. The separation distances, together with the scale of the development and landscaping proposed will ensure the development is acceptable from an amenity and wellbeing perspective.

6.3.4 The internal sizes of the proposed dwellings are considered to be acceptable overall. The proposed 1 bedroomed bungalows, 2 bedroomed bungalows, 2

bedroomed houses and 3 bedroomed houses all comply with the sizes set down in the Technical housing standards – nationally described space standard published in March 2015. The design of plots 17 to 20 are one bedroomed units which externally appear as a semi-detached paired of two storey dwellings but internally two units are situated to the ground floor and two units to the first floor, as such the 50m² floor area for each unit also complies with space standards.

- 6.3.5 The proposed curtilage to the properties are considered to be proportionate to the dwellings, and reflective of similar developments throughout Baschurch, and to represent an acceptable provision of outdoor space.

6.4 Access and parking

- 6.4.1 The proposal includes two off-road parking spaces for each dwelling, which given the modest scale of the dwellings between 1 and 3 bedroom is considered to be proportionate to the need generated by this scale of development. Parking spaces are appropriately located in front of the dwelling or in close proximity to the side of each dwelling such that there is unlikely to be a significant demand for on street parking within the development site and neighbouring streets.
- 6.4.2 Plots 1 to 4 will be situated off a private drive but the remaining plots off a road designed to adoptable standard. The submitted vehicle tracking data shows that refuse and emergency vehicles can safely enter and turn within the site. Additionally, the drag distances for refuse and waste on collection days is acceptable.
- 6.4.3 The SC Highways consultee initial comments did not object to the proposal but made reference to alternate design options which may improve the development. Following consultations between the developer and SC Highways, the layout of the scheme has been revised including changes to the layout of the pedestrian footpath. Additionally, following concerns over the Transport Statement included within the original submission, a further survey has been undertaken at the site and a Supplementary Transport Statement submitted to provide additional context and clarity on the highways position at the application site. SC highways have confirmed in their latest comments that the highway and pedestrian safety implications of this development have now been properly considered.
- 6.4.4 Subject to the imposition of the conditions detailed within the SC Highways comments, the scheme is considered to be acceptable on highways grounds. Whilst the contents of the public representations made and their concerns over highways are noted, the applicant has sufficiently demonstrated that the impact of the proposal on the highways network for both vehicles and pedestrians would be acceptable, and would not meet the severe harm test set down in paragraph 111 of the NPPF.
- 6.4.5 As set down in the SC Highways comments, the acceptability of the scheme is dependant on securing the improvement works detailed within the submitted plans which include widening the existing pedestrian footway, improving an existing crossing point, extending streetlighting provision and changing the position of the 30mph speed limit. The improvements will be secured either via a planning condition (See appendix 1) or incorporated into the Section 278 Agreement following consultation with the police and Parish Council.

- 6.4.6 On balance, the internal layout of the site, parking provision, turning, and parking space for refuse vehicles and pedestrian facilities are considered to be acceptable and can be secured by appropriate worded conditions. The applicant has also demonstrated that additional off site highways improvements can be facilitated by the development, which can again be secured by condition or appropriate legal agreement, and Officers therefore conclude that in respect of highways grounds the proposal is compliant with local adopted policies CS6 and CS8 together with the NPPF, and an objection on this basis cannot be upheld.

6.5 Landscape, ecology and trees

- 6.5.1 As stated in section 6.2 above it is not considered that the application gives rise to significant landscape visual impact taking into account the existing context of the development and the mitigation proposed as part of the application. The scale and appearance of the development is considered to be acceptable and compliant with CS17 and MD12 in this regard.
- 6.5.2 The applicant has submitted an appropriate Ecology Report and Arboricultural report, which demonstrated that subject to the imposition of conditions the application is acceptable in terms of its impact upon existing trees and habitats. This has been confirmed by the relevant consultees and the application is therefore considered to be compliant with current adopted policies in this regard.

7.0 CONCLUSION

- 7.1 There is an identified need for affordable housing in the village of Baschurch and the location of the proposed dwellings is considered to be acceptable and in compliance with the terms of the exception sites policy outlined in the housing SPD and accords with CS5, CS11 and MD7a.

The scale, design and appearance of the 20 no. proposed dwellings and the layout of the development are appropriate and would have no significant adverse impact on the character and appearance of the locality including the wider landscape, nor on neighbouring residential amenity. The proposal is acceptable from a highway perspective as there would be no severe highway safety implications and a satisfactory access and adequate parking and turning space will be provided.

The trees and hedging to be retained will be protected and following the implementation of the proposed landscaping scheme, including additional hedge and tree planting there will be ecological enhancement of the site.

The proposal is therefore considered to accord with Shropshire LDF Policies CS6, CS17, MD2, MD12 and MD13 and officers recommend the approval of the application is delegated to the Head of Service, subject to the conditions recommended in appendix 1 and any modifications to these conditions deemed necessary, together with the signing of a Section 106 agreement to secure the affordable housing in perpetuity.

- 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

Settlement: S16 - Shrewsbury

CS11 - Type and Affordability of housing

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

PREAPP/16/00618 Development of up to no.20 affordable dwellings (Exception Site)

PREUDV 24th January 2017

PREAPP/20/00525 Proposed affordable rural exception site for 14 units including bungalows and houses PREAIP 6th January 2021

21/03108/FUL Erection of 20no. affordable dwellings including associated works PDE

11. Additional Information

[View details online:](#)

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|--|
| 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 |
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| Local Member Cllr Nick Bardsley |
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| 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. The site developer shall undertake the works shown on **Plan 001 – Proposed Off-Site Highway Works** which accompanies the submitted Technical Note, Supplementary Transport Statement Dated 6th March 2022. These works shall include:

- Requirement to widen the footway from the adjacent housing site to the development access point.
- Improve the pedestrian crossing point at the Cross Roads junction.
- Extend the street lighting to accommodate the changes to the speed limit.

In addition, the Section 106 agreement at the site shall require the application to seek to reduce the speed limit to 30mph in accordance with a scheme to be submitted and approved by Shropshire Council.

Reason: in the interests of highways safety.

4. Prior to the commencement of development full engineering details of a highway scheme to include the widening of the footway along the B4397, extension to the street lighting and changes to the speed limit shall be submitted to and approved in writing by the Local Planning Authority; the approved works shall be fully implemented prior to any dwelling being first occupied.

Reason: To properly coordinate the delivery of highway infrastructure to serve the development.

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

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

6. 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 be implemented fully in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety.

7. 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, together with the materials to be utilised in forming the proposed boundary treatments shown on the approved plans, 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 and to reduce visual impact.

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

Reason: To safeguard the character of the locality and nearby heritage assets, and ensure the development is acceptable in terms of visual appearance and prominence.

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

Reason: To safeguard the character of the locality and nearby heritage assets, and ensure the development is acceptable in terms of visual appearance and prominence.

10. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 eleva-

tions of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the character of the locality and nearby heritage assets, and ensure the development is acceptable in terms of visual appearance and prominence.

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.

Reason: The site is known to hold archaeological interest.

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

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

13. The access and internal road shall be constructed and final surfaced in accordance with a construction phasing scheme to be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site.

The access and internal access road shall be laid out in accordance with the approved scheme and shall be implemented in full prior to any dwelling being first occupied.

Reason: To ensure the coordinated completion of the access and internal estate road to serve the dwellings.

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

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

- A minimum of 8 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for small birds such as tit species (32mm hole, standard design).
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for blackbirds and robins (open-fronted design).
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
- 2 hedgehog boxes.

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

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

15. Prior to any dwelling being first occupied, visibility splays shall be provided at the access onto the B4397 in accordance with the approved plans; all growths/obstructions in advance of the visibility splays shall be lowered to and thereafter maintained at a height not exceeding 0.6 metres above the level of the adjoining highway carriageway.

Reason: To provide and maintain adequate visibility at the B4397 junction in the interests of highway safety.

16. Prior to any dwelling being first occupied the access and internal access road shall be laid out in accordance with the approved plans together with the access and internal road being constructed and final surfaced in accordance with a construction phasing scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the coordinated completion of the access and internal estate road to serve the dwellings.

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

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

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

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted 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.

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

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

18. The landscaping scheme as shown on the approved plans ZLA-1191-L201 REV B and ZLA-1191-L202 REV B shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development.

The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

19. No construction (and/or demolition) works shall take place before 07:00; am on weekdays and 09:00;am on Saturdays nor after 18:00; pm on weekdays and 13:00;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.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as

required in the National Planning Policy Framework, paragraph 38.

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

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

4. Informative Notes:

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

Percolation tests and the sizing of the soakaways should be designed in accordance with BRE

Digest 365 to cater for a 1 in 100 year return storm event plus 35% for climate change. Full details,

calculations, dimensions and location plan of the percolation tests and the proposed soakaways

should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce

sediment build up within the soakaway.

The site is identified as being at risk of groundwater flooding. The level of water table should be

determined if the use of infiltration techniques are being proposed.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the

site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed for a storm event of 1 in 100 year + 35% for climate change.

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of

front gardens to provide additional parking spaces, extensions to existing buildings, creation of

large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system

over the lifetime of the proposed development. The allowances set out below must be applied to

the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

3. On the Surface Water Flood Map, part of the site is at risk of surface water flooding. The applicant should ensure that the finished floor level is set above any known flood level or at least

300mm above the ground level.

4. Highway gully spacing calculations should be provided.

Where a highway is to be adopted and gullies will be the only means of removing surface water

from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations

will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with

DMRB CD526 Spacing of Road Gullies (formerly HA102)

Gully spacing calculations must also be checked in vulnerable areas of the development for 1%

AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width.

The provision of a finished road level contoured plan showing the proposed management of any

exceedance flows should be provided.

Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of

the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground

within the development slopes beyond the development boundary.

Shropshire Councils Surface Water Management: Interim Guidance for Developers, paragraphs

7.10 to 7.12 (Local Standard D of the SUDS Handbook) requires that exceedance flows for events

up to and including the 1% AEP plus CC should not result in the surface water flooding of more

vulnerable areas (as defined above) within the development site or contribute to surface water

flooding of any area outside of the development site. Exceedance flow path should be provided.

5. The proposed method of foul water sewage disposal should be identified and submitted for

approval, along with details of any agreements with the local water authority.

5. Section 38 Agreement details

If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed road-works, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND,

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into

<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>
Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety. <https://new.shropshire.gov.uk/planning/faqs/>

6. Nesting birds informative

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

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

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

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

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

Badgers informative

Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site.

There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.

General site informative for wildlife protection

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

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

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

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or

placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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

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

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping

earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

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

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

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

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

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Committee and Date
 Northern Planning Committee
 29th March 2022

Item
6
 Public

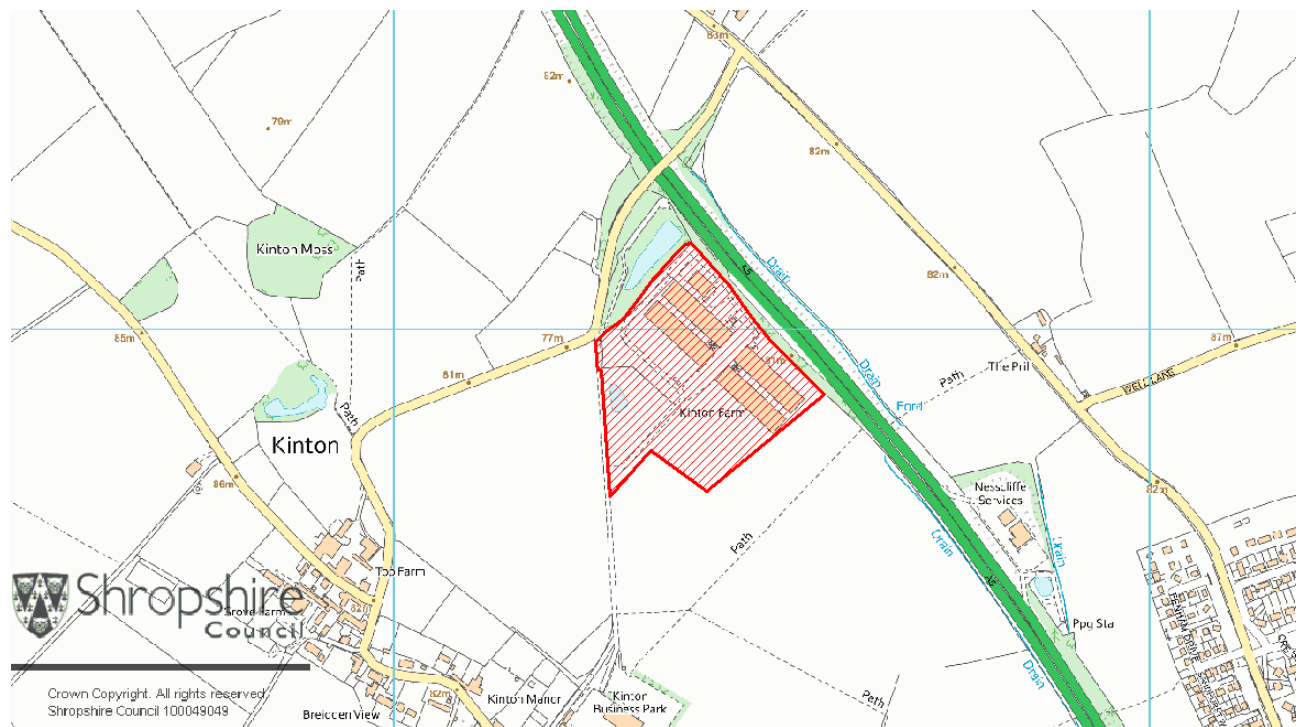
Development Management Report

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

Summary of Application

| | | |
|--|----------------|------------------------------------|
| Application Number: 20/03976/EIA | Parish: | Great Ness |
| Proposal: Erection of four poultry rearing buildings, nine feed bins, landscaping scheme and all associated works | | |
| Site Address: Land Adjacent to the A5 Kinton Shrewsbury Shropshire | | |
| Applicant: Mr Edward Warner | | |
| Case Officer: Kelvin Hall | email | : kelvin.hall@shropshire.gov.uk |

Grid Ref: 337304 - 319951



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Recommendation: That delegated authority is granted to the Planning Services Manager to grant planning permission subject to the conditions as set out in Appendix 1, and any amendments considered necessary.

REPORT

A BACKGROUND

A.1 Planning permission for the erection of four additional poultry rearing buildings and other ancillary development at this site was refused in 2019 on the basis that insufficient information had been submitted to identify what the likely significant effects on the environment would be (ref. 18/00130/EIA). The reasons for refusal were as follows:

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

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

A.2 The current application seeks to address the above reasons for refusal, and includes a number of additional technical assessments in support, in line with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

1.0 THE PROPOSAL

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

1.2 The poultry buildings (measured from the submitted plans) would be approximately 109 metres x 27 metres with an eaves height of 2.7 metres and a ridge height of 5 metres.

External materials would be box profile metal sheeting, of a dark colour to be agreed, and lower block work. They would be fitted with roof extraction fans which would protrude from the roof slope, and rear gable end extraction fans. Integrated within the gable end of each of the poultry buildings would be a store, a control room, a wc, and a canteen.

- 1.3 The feed bins would be cylindrical with a conical top and bottom on top of a concrete plinth. They would be of metal construction of a dark colour to be agreed. They would be 3.3 metres wide with a total height of 9.2 metres. The wheat blending rooms would be 5 metres x 3 metres x 3 metres to eaves and 3.4 metres to ridge. The area of hardstanding which is used for turning, loading and unloading at the existing buildings would be extended. Landscaping would include the formation of a screening mound to the west of the buildings, and the planting of trees and hedgerows around the development
- 1.4 Production process: The rearing cycle involves bird delivery, ‘thinning’, removal; and shed cleaning. At the start of the cycle, birds are delivered to the site from a hatchery. When they reach around five weeks old a ‘thinning’ takes place, where a proportion are removed and transported to the processing company. This takes place over two days. The remaining birds are removed when they are around six weeks old. This process also takes place over two days. Manure generated from the proposed buildings would be exported from the site and taken to an anaerobic digester facility for treatment. The sheds would then be cleaned in preparation for the next bird delivery.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The existing poultry farm includes four large poultry buildings, feed bins and a biomass boiler building located at the northern part of a former arable field to the north-east of the village of Kinton. The application site covers an area of approximately 5.8 hectares and encompasses both the existing site and an area to the south-west where the proposed additional buildings would be situated. The north-east side of the site is bounded by a tree covered embankment. This falls away to the A5(T) which runs in a cutting further to the north-east. There is a hedgerow adjacent to the northern boundary of the site, beyond which is a belt of trees around a drainage pond. The western boundary of the site is bounded by a road which provides access to the Kinton Business Park. On the other side of this road, and to the south of the site, is agricultural land.
- 2.2 The approved access into the poultry farm is from the public highway to the north, via a short section of the private access road which leads to the business park. The as-built access does not conform to this, and has been constructed approximately 120 metres further south than it should have been. The proposed access would use this (currently unauthorised) entrance point. The nearest residential properties to the application site are two dwellings at The Prill, approximately 270 metres to the east, on the opposite side of the A5(T). Other properties lie approximately 330 metres to the north, and properties at Kinton approximately 310 metres to the south-west.
- 2.3 Kinton Business Park lies approximately 280 metres to the south, and includes a mix of light industrial units and offices. The A5(T) Nesscliffe Services area is located approximately 200 metres to the south-east, on the opposite side of the A5(T) to the application site. There are a number of public rights of way in the area. The nearest of these runs north-south through the western boundary of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Great Ness & Little Ness Parish Council** Supports, subject to the landscaping being in keeping with the present buildings.

4.1.2 **Environment Agency** No objections.

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

The farm operates under an Environmental Permit (Ref: EPR/YP3031WK) which has been submitted with the planning application for completeness. The Permit allows a maximum of 400,000 birds and we have received no complaints about the site.

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 plans 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/g_eho0411btra-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) up front. 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>

4.1.3 **Historic England** We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.1.4 **SC Conservation** Recommends conditions.

This application does not appear to have changed in terms of the extent and positioning of the proposed expansion of the existing poultry units on this site, doubling the number from 4 to 8, where previous application 18/00130/EIA was refused.

We had previously commented on this element of that application as follows:

The expansion of the poultry rearing buildings and related activities is towards the south-west, moving it closer in proximity to the historic settlement of Kinton which is comprised of both designated and non-designated heritage assets. Our Archaeology Team additionally noted the application site's proximity to and location within the setting of the Scheduled Monument occupied by the Nesscliffe Hill Camp.

We had also noted that in considering this planning application, due regard to the following local and national policies and guidance would be required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and Historic England Guidance including GPA3 The Setting of Heritage Assets.

This re-submission again includes the Heritage Impact Assessment prepared by Castlery Archaeology in 2017 – this considers the requirements noted above and the conclusions of that assessment are acknowledged. Similarly the LVIA also prepared in 2017 has been re-submitted with this application where should this re-submission be granted approval, a strict landscaping, planting and maintenance condition as recommended in the assessments noted above should be included in the Decision Notice. Also should this application be approved, colour finishes and materials of all buildings and related infrastructure should be of a recessive and neutral nature.

I would also refer you to the current comments provided by the Archaeology half of our Team where formal consultee comments from Historic England are still required on this re-submitted scheme and where any recommendations from both should be followed in full.

4.1.5 **SC Archaeology** No objection. The proposed developed site is located c. 1km west, and within the setting of, the Scheduled Monument of Nesscliffe Hill Camp: a small multivallate hillfort (NHLE ref. 1020285). It is noted that Historic England raise no objections to the proposal in relation to any impacts on the setting and significance of the Scheduled Monument. The majority of the proposed development site itself has previously been subject to bulk earth moving operations and is not therefore considered to hold archaeological interest. As a consequence we have no further comments to make on this application with respect to archaeological matters

4.1.6 **Natural England** No response received.

4.1.7 **SC Ecologist** No objection. Conditions are required to ensure the development accords with the NPPF, MD12 and CS17.

In making these comments the following documents have been considered in detail:

- A report of air quality impacts (Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Broiler Chicken Rearing Houses at Kinton Farm, Kinton, near Nesscliffe (AS Modelling & Data Ltd, 25 July 2020)
- Manure Management Plan (Roger Parry & Partners LLP, December 2020)
- Revised drawing 1499.03 REV C: Landscape Proposals (Alan Moss Associates, undated)
- Ecological Impact Assessment of land at Kinton poultry units (Churton Ecology, 9 October 2017)

Ammonia

The following BAT measures are proposed:

- 4 scrubbers on the existing poultry buildings at Kinton Farm
- 4 scrubbers on the proposed poultry buildings at Kinton Farm

In addition, the Manure Management Plan (Roger Parry & Partners LLP, December 2020) states that all manure will be taken off-site to an anaerobic digester, so will not be spread on land.

A report of air quality impacts (AS Modelling & Data Ltd, 25 July 2020) 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 | Distance from Proposal Proposed* | Existing Process Contribution % of Critical Level | Proposed* Process Contribution % of Critical Level | Existing Process Contribution % of Critical Load | Process Contribution % of Critical Load |
|-------------------|----------------------------------|---|--|--|---|
| Lin Can Moss SSSI | 1km north | 10.2 | 5.1 | 10.6 | 5.3 |

** 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 a betterment to the existing ammonia and nitrogen process contribution at the above designated site of Lin Can Moss SSSI. Although there is one other sensitive site (ancient woodland) slightly closer than Lin Can Moss (ie Nesscliffe Country Park @940m east), which has not been modelled in detail, it is safe to conclude that with the fitting of scrubbers to the existing units, as well as the proposed, airborne ammonia emissions will be less than the current situation at all sensitive sites, ie there will be a betterment. 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.

The landscape proposals do not show a robust planting scheme along the eastern side of the proposed sheds and this should be more robustly planted to both provide screening and long-term ammonia capture. 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/resources/landscaping/tree-shelter-belts-for-ammonia-mitigation). 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 hardstanding and arable land, habitats of negligible potential to support notable/protected species. A rough area of semi-natural habitat lies to the north west. Both boundary hedgerows, which are relatively species-poor, remain intact. There would be no direct impacts on designated wildlife sites or notable habitats.

Although there is a nearby pool, its function as an attenuation pool i.e. seasonally wet and heavy rainfall-dependent, makes it unlikely to support great crested newt. This was confirmed by carrying out presence/absence surveys in May 2015 when the pool was periodically holding water (for a few days only after heavy rainfall). On the 13th April 2017 the pool was dry. No further surveys for GCN are required.

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

Conditions are recommended to require the air scrubbers to be operational at all times; the submission of a landscaping scheme for approval; and a pre-commencement badger inspection.

4.1.8 **Shropshire Council – landscape consultant** No objections.

We consider that the findings of the LVIA submitted are reliable and set out a comprehensive assessment of the landscape and visual effects of the proposed development. The mitigation proposals appear to be appropriately designed and specified. The results of the assessments are summarised below:

| Landscape effects | |
|---|---|
| Receptor | Predicted effect with mitigation in place |
| Landscape character | Minor adverse |
| Character of Nesscliffe Country Park | Minor/Moderate adverse |
| Cumulative effects on landscape character | Moderate adverse |
| Night time lighting | Negligible adverse |

| Visual effects |
|----------------|
|----------------|

| | |
|---------------------------------|--------------------------|
| 1 Footpath 0419/9 | Moderate adverse |
| 2 Footpath 0419/10 | Minor adverse |
| 3 Footpath 0419/11 | Minor adverse |
| 4 Road to Kinton | Minor adverse |
| 5 Footpath 0419/6Y | Negligible adverse |
| 6 Footpath 0419/5 | Negligible adverse |
| 7 A5 | Negligible adverse |
| 8 Road to Nesscliffe | Negligible adverse |
| 9 The Cliffe | Negligible/Minor adverse |
| 10 Oliver's Point | Moderate/Major adverse |
| 11 Approx 7 dwellings in Kinton | Minor adverse |
| 12 Nesscliffe Hotel | Negligible adverse |

All predicted landscape and visual effects are adverse, with levels ranging from Moderate/Major to Negligible. No beneficial or neutral effects are predicted. The threshold of significance is identified in the LVIA methodology as Major or Severe, and as a result no significant effects are identified. It should also be noted that the highest level of effect, that of Moderate/Major adverse predicted for walkers at Oliver's Point in Nesscliffe Country Park/Local Nature Reserve, represents a worst case scenario given that views out from the vicinity of this viewpoint are restricted by woodland.

4.1.9 **SC Public Protection** No objections.

15/4/21 comments: Additional information has been provided on noise and odour. Having considered the information in both assessments it is concluded that both have provided suitable explanation and quantification of parameters previously requested for further information by Regulatory Services.

The odour assessment information concludes no significant adverse impact on amenity from the proposed installation. This conclusion is accepted.

The noise assessment concludes a very low impact from the proposed installation. This conclusion is accepted.

Other aspects have previously been considered and conclusions previously mentioned

remain. Previously a query over what will happen to manure produced was raised. The odour assessment has clarified that manure will be removed from the site and will not be applied to any land on the farm holding. This is accepted but it is recommended that this stance is checked for consistency throughout any other reports

12/2/21 comments:

Noise: A new noise assessment has been submitted with the application ref: M1936/R02. A background noise survey has been included with appropriate distance calculations to provide what is considered a reasonable background noise level to expect at each receptor location assessed.

Fan noise has been assessed and compared to existing noise source from fans on the development site. In all cases noise levels are predicted to be below background noise level. The cumulative impact of the scrubber fans and emergency fans has not been considered. However, noting the noise levels for the individual fan system the cumulative noise impact is not expected to show any significant noise impact at any receptor at any time of day based on rating level consideration compared to background noise levels or where more appropriate absolute noise levels of the proposed noise source at receptors (consistent with guidance when low background noise levels are found). Additionally, the noise from fans will not cause any internal or external amenity noise standards for residential properties to be exceeded. For completeness sake the applicant may wish to ensure that the combined noise impact from scrubber fans and roof ventilation is provided in the noise assessment to ensure that this aspect can be said to have been considered thoroughly.

Loading in the day is expected to create noise levels less than background. Feed delivery is modelled to have a potential adverse noise impact (4-5dB above background at receptors B and A respectively). The assessment suggests that the impact of this noise is acceptable given that it is infrequent and occurs for relatively short amounts of time and absolute noise levels not being very high. This explanation is accepted. The predicted noise levels will be 2dB above the existing noise level from this activity. As such this noise source is considered to have a negligible impact on amenity given the points made above. During the night although predicted noise levels are above background they are not considered to be significant when considering absolute noise levels which is acceptable in this instance. The conclusion in the noise assessment is that the impact of noise at night will be very low. This conclusion is considered acceptable.

Odour: An odour assessment has been produced by ADAS and submitted with the application. It states that the spent litter/manure will continue to be removed from the poultry unit at the end of each flock cycle and would be spread on land in same ownership as the application site, and with any excess manure being exported to anaerobic digestion (AD) plants. In contrast the ammonia assessment (produced by AS Modelling and Data Ltd) states: The modelling also assumes that the scrubbers are 100% operational and that additional liquors and manures produced are not spread on fields locally. These two assessments seem to contradict each other. It would be useful if the applicant could consider these aspects, provide a statement on what is the proposal in respect of manure spreading/removal from site and ensure all assessments show consistency.

The assessment states that for modelling purposes this additional ventilation has been assumed to occur only at times when ambient temperatures exceed 22°C. Is this information available from the manufacturer? Is this what is likely to occur? It is an important aspect which I feel needs some additional clarity.

The odour model has considered a 30% reduction in baseline odour across the year based on some winter, summer variation. Is this reasonable? The reduction is suggested as being conservative and in line with BREF documentation. Looking at the data from which the average summer odour reduction provided by the Inno+ technology provides it is noted that the spread of data is very large ranging from -46.7% to 73.2%. Could the applicant comment on why the range of odour impacts is so large to help inform a decision on if the 30% reduction figure used is acceptable.

The assessment makes reference to an Odour Management Plan for cleaning out activities suggesting that by carrying out good practice's odour can be reduced to less than when a unit is fully stocked. It is suggested that any OMP submitted is conditioned for planning reasons to ensure the proposals satisfy planning regime requirements.

Modelled odour predictions at all residential receptors are found to be below thresholds generally accepted to show a low likelihood of impact on amenity. With maximum odour levels modelled at the worst effected receptor being predicted to be 2.03 odour units at Receptor 5. This is below the H4 EA standard and other standards set which indicate a likelihood of nuisance complaint. The increase in odour from the proposed development is less than 1 odour unit more than the predicted odour concentrations experienced from the existing sheds. This suggests the impact would be imperceptible to the human nose. As such the conclusions in the odour assessment are considered reasonable. Odour is not considered likely to have a significant impact on amenity at residential receptors. At nearby footpaths which the public may use although odour levels are higher, sensitivity is lower due to a transient impact as walkers move by. Again, no significant impact is anticipated at this receptor location.

Dust (public health): The Local Air Quality Management Regime directs Local Authority to assess sources of air pollution which have the potential to generate pollution that may impact on human health. The regime specifically states that large poultry installations could generate particulates (PM10s or smaller) within the rearing sheds which, once passed out through the ventilation system, have the potential to impact on human health. The regime provides details of what types of potential pollution sources could impact on human health in the published DEFRA document Technical Guidance LAQM.TG(16) (referred to as TG(16)). This document provides a screening assessment with which to consider which poultry installations may require detailed assessment (para 7.39 of TG(16)) of particulate matter (PM10s). For detailed assessment to be required the following characteristics are specified (Table 7.3 of TG(16)):

1. Poultry farms housing in excess of 400,000 birds (if mechanically ventilated) / 200,000 birds (if naturally ventilated)
2. Exposure (of relevant receptors such as residential properties, schools, hospitals) within 100m of the poultry units

The application is for 400,000 chickens in mechanically ventilated sheds satisfying part one above however the installation is more than 100m from nearest relevant receptors. The consequence is that no detailed assessment of the impact of particulates produced within the poultry sheds is considered necessary from a public health perspective. Quantitative data produced in DEFRA project AC0104 found that particulates drop off rapidly downwind of an installation and add added confidence in the screening criteria in TG(16).

Shropshire Council has undertaken detailed assessment of two poultry installations within its jurisdiction where both numbers of poultry and proximity to a receptor met the screening criteria thresholds. Assessments were carried out with monitoring undertaken at one location. The assessments concluded that no air quality national objective levels, levels below which no unacceptable impact on human health is found as specified in UK legislation, were exceeded. This exercise suggests that the screening criteria found in TG(16) are sufficiently conservative in nature and adds weight to the conclusions drawn above that no detailed assessment of the proposal applied for is necessary. No unnecessary burden is expected to be placed on human health by the proposal should planning approval be granted.

It is appreciated that there are other poultry sheds in the wider vicinity which may increase background levels of particulates slightly. However, due to the location of the units it is not considered likely that any combined impact of significance would occur due to distances involved creating adequate dispersal of pollutants and wind direction ensuring that in general no properties would be impacted by combined impacts from the proposed installation and existing.

In addition to particulates comments have been found on past poultry applications which raise the potential of bioaerosols in the extract air creating a health impact on those living in the area. DEFRA project AC0104 considers bioaerosols. It notes that they drop to around background levels at 100m downwind from poultry installations where quantitative testing took place. As such it would not be considered likely that the proposed poultry unit would increase bioaerosol loading at nearest residential properties and from this it could be suggested that there is no unacceptable burden on health from this aspect. If any further comment is considered necessary, it is recommended that Public Health England are contacted for comment.

Dust (nuisance): Dust produced from the ventilation systems of poultry units is not considered to be a significant source of nuisance dust over the distances found between the proposed poultry sheds and nearest receptors. Welfare standards and agricultural practices are responsible for this in the main. The Regulatory Services team has not come across a dust complaint in respect of dust deposited from ventilation systems of poultry houses in their collective history. The potential for nuisance dust is therefore considered to be very low for a poultry operation and this is considered the case here due to the remote location of the proposed additional sheds.

4.1.10 **Highways England** Recommends conditions.

The Site: The existing site already operates as a poultry farm with 4 poultry sheds in situ housing 200,000 birds which were granted planning permission under application reference 15/05462/EIA. The existing poultry sheds and earth bund are located within

proximity to the A5 boundary. Planting of trees was proposed under the 2015 consent along the shared site /A5 boundary, however this has not been implemented yet based on review of the submitted detail. The A5 Trunk Road (Nesscliffe Bypass) is located within a cutting adjacent to the site boundary with a 1.7 metre to 2.1-metre-high embankment located between the shared site / A5 boundary and the carriageway. The A5 embankment is planted with trees and vegetation, therefore the existing development buildings are predominantly screened from motorists travelling on the A5 Trunk Road northbound. However, due to lack of planting along the A5 boundary to the south of the site, it is evident that the existing buildings can be partially seen from a distance.

The Site is accessed off an unclassified road to the north west of the site. The nearest point of access to the SRN is A5 Wolfshead Roundabout (A5/B4396/Old A5) approximately 1 mile north of the site.

Planning History: As stated above, planning consent has been granted for the erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access at the site under application reference 15/05462/EIA. Whilst we note that Highways England were not consulted on this application, an application for additional 4 poultry units (similar to the application currently seeking approval) was lodged in 2018 under reference 18/00130/EIA but was refused due to insufficient information being submitted to assess the Environmental Impacts. Highways England were consulted on this planning application and we recommended that the proposal was acceptable subject to the submission of Surface Water and Foul Drainage design information and Boundary Treatment information. This was recommended to be dealt as a planning condition attached to any grant of planning consent.

Based on our review of the information submitted in support of the current planning application, no significant traffic impacts are anticipated from the development proposal. However, Highways England have most recently issued a holding recommendation for this consultation on 26 January 2021, recommending the applicant to submit additional information related to the boundary related concerns.

Following the issue of this holding recommendation, the applicant has submitted additional/ amended information in relation to this development proposal and this is detailed below.

Boundary impacts:

Earth Bund located along Eastern site boundary: Highways England had raised concerns via the latest holding response issued in January 2021, in regard to the proposed and existing ground remodelling works undertaken within the site adjacent to the A5 embankment, which may have the potential to destabilise the A5 embankment and SRN boundary fence if not adequately designed/ constructed. Highways England requested that the applicant to provide a cross section plan of the existing and proposed earth bund along the eastern site boundary, along with a supporting slope stability assessment for any sections of back slope that have a gradient steeper than 1v:3h to review and approve.

The applicant has now provided a Section Plan (Drawing no. RB-MZ631-02, dated 25 February 2021) in response to our comments. We note that two section drawings along the eastern boundary have been provided within the plan (Section A and Section B), which is approximately 260 metres in length. Section A is located approximately 57 metres south from the most northern point along the eastern site boundary shared with A5 and Section B is located approximately 207 metres south from the same northern point along the shared boundary. Section A indicates that the existing back slope gradient is 1v:1.5, which confirms Highways England's concern of the back face of the A5 bund within the site being over steepened near the Biomass building and having potential risk to the medium to long term stability of the front of the earthwork and fence located within the A5 boundary. Section B indicates that the existing back slope gradient is 1v:3h which is considered acceptable and unlikely to negatively impact the A5 embankment.

Based on our review of the Section Plan submitted, we note that the applicant proposes to alter the existing bund located within the applicant's site to a slope of 1v:3h, which is deemed acceptable to Highways England. As the backslope has been altered to an unacceptable gradient over recent years, we would require the applicant to undertake the ground alteration works during the early stages of works. As such, Highways England recommends that these alteration works are requested through a pre-commencement condition.

Tree Planting along Eastern site boundary: The landscape proposals for tree planting as outlined in the Landscape Proposals Rev C Plan are considered to be acceptable.

Proposed Boundary Treatments: As the details of any proposed boundary treatments were unavailable at the initial stages of consultation, Highways England noted in our previous formal responses that a suitably worded condition will be recommended to be attached to any consent that may be granted. This was to ensure that the erection of any boundary treatment within proximity of the SRN boundary complies with Highways England's requirements.

However, it has now become apparent that an existing boundary fence is in place along the eastern site boundary. Therefore, Highways England considers that any proposed boundary fence would not raise a concern in accordance with Annex A1 of DfT's Circular 02/2013. As such, a condition is no longer required to be attached.

Landscape and Visual Impact: Based on our review of the latest Landscape and Visual Impact Assessment (LVIA), we note that it is in compliance with paragraph 45 of DfT's Circular 02/2013.

Drainage: The principle of the proposed surface water drainage system appears to be robust and in accordance with the prevailing policies and standards. Therefore, it is unlikely to impact the safe operation of the SRN in accordance with DfT Circular 02/2013 paragraphs 49 and 50. However, as the site has a common boundary with the SRN and noting that a condition with regard to the disposal of foul and surface water was included in the previously permitted decision notice, we would recommend that a similar condition is required for the current application to ensure satisfactory drainage is provided within the site. In line with the above, Highways England considers that the

current holding recommendation can be lifted. However, we recommend that conditions be attached to any planning permission that may be granted to require: implementation of ground alteration works prior to the commencement of the development; and submission of a scheme for foul water drainage and surface water drainage prior to commencement of development.

4.1.11 **SC Highways Development Control** No objection.

19/1/21: No objection.

30/10/20: The proposal will use the existing access located on the shared access road to Kinton Business Park, which has a suitable junction with the adopted highway, C1058. From here HGVs will use the C1058 to the junction with the old A5, where the junction has sufficient capacity for the increase in movements. The subsequent junction takes vehicles onto the SRN and Highways England will comment on effect on their network.

The routing of HGVs for the proposal will be the same as for the existing operation approved under 15/05462/EIA; which could be acceptable; as could the increase in movements – subject to confirmation of the below.

The existing 4 sheds were approved under 15/05462/EIA. Conditions 5 and 6 under that approval related to improvements and widening to the C1058 between the access to Kinton Business Park and the bridge over the A5 where the carriageway was considered narrow and unsuitable for increase in HGV movements. Therefore it was conditioned that the applicant would provide appropriate road improvements, in the form of localised widening between the existing access and the bridge over the A5, to safely accommodate the increase in HGV movements and not inconvenience other road users. These conditions do not seem to have been discharged.

In order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted, by the applicant:

- Evidence of the improvements required to the C1058 having been undertaken; OR
- Details of the proposed road widening on the C1058.

4.1.12 **SC Rights of Way** From checking the Definitive Map of Public Rights of Way it appears that FP 9 runs through the corner of the development site on a line that will be affected by the proposed planted hedgerows. If it is not possible to move the development boundary or accommodate the footpath within the development then the footpath will need to be diverted under section 257 of the TCPA 90 in line with the planning application (fees will apply). The applicant should contact the Mapping & Enforcement Team direct for further information.

4.1.13 **SC Drainage** No objection. The surface water drainage proposal in the FRA and Water Management Plan is acceptable in principle. However full drainage details, plan and calculations should be submitted for approval. 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.

4.1.14 Ministry of Defence – Defence Infrastructure Organisation

28/7/21

DIO Town Planning have been made aware of an email from Mr Richard Corbett dated 13th May 21 regarding the above referenced EIA application for 4 Poultry Sheds at Kinton.

As non-statutory consultees the MOD sought to inform the applicant about the proximity of the application site relative to Nesscliffe Training Area.

Location relative to airfield: The application site is approximately 1.08km east from Nesscliffe Training Area and lies within the approach for aircraft operating in/around the training area.

The county of Shropshire as well as parts of adjacent counties is designated by the Ministry of Defence as Low Flying Area (LFA) 9, an area utilised for dedicated training area of military helicopter crew which requires intensive low-level flying activity. At Nesscliffe Training Area and its associated training areas (including RAF Shawbury, Chetwynd and Tern Hill) routine activity includes extremely low flying and manoeuvring, helicopters remaining operational (rotors turning) for extended periods after landing and helicopters hovering at full power for several minutes as a time (occasionally between 5 and 10 minutes). This activity, in support of front-line activity, produces a significant amount of low frequency noise which can be disturbing. This intensive low-level helicopter activity tends to be scheduled between Monday and Friday, from 8.30am to 5pm though night flying is carried out from this Training Area. Night flying operations tend to be completed by 2am though it should be noted that 24-hour flying may occur on any day of the week where operationally required.

In addition to helicopter traffic, Nesscliffe Training Area is used regularly for pre-deployment training for many Battalion sized Army deployments. This training will frequently involve live/simulated arms training, explosives and the use of large tracked vehicles and weapons systems. This activity will also impact on the proposed development site.

The MOD recognised the Noise Impact Assessment accounts for noise from the extraction fans, but no assessment has been made regarding the potential impact of flying activity on the poultry farm. Hence, the MOD informing the applicant on the potential for loud noises to startle poultry and lead to stress and potential loss of life.

The applicant's agent has reflected on the MOD response and our comments referencing the matter of the applicant being the Agent of Change and the MOD would not accept responsibility for any losses caused by aircraft, training or any associated activity or noise.

Specifically, point 9 states: "the applicant has formally offered to indemnify the MoD against any claim that they may make for bird losses attributable to their operations. We accept that the applicant is the 'agent of change' and that we do not expect the MOD to accept responsibility for any losses caused by aircraft, training or any associated activity or noise. This is on the basis the applicant (and successors in title) would be deemed to have full knowledge of the immediate location, including the location of the application

site in context to Nesscliffe Training Area and the general nature of training activity taking place. We suggest that this should satisfy any concerns that they have.”

The MOD appreciates the applicant considering our comments and on reviewing the above with our legal team we seek amendments to the wording this being: "the applicant formally confirms that no claims will be brought against MOD for bird losses attributable to MOD's operations".

If the applicant agrees to the above this will alleviate the MOD concerns.

4.1.15 **Ministry of Defence – Defence Infrastructure Organisation (Safeguarding)** No safeguarding objections. The application relates to a site outside of MOD statutory safeguarding areas.

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

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition, 35 residential properties and businesses in the local area have been directly notified.

4.2.2 Six letters of objection have been received, raising the following points:

- Query over need for more chicken sheds
- Density of chicken sheds in the area
- Facility will be brought closer to Kinton, with additional view, smell and disruption
- Visual impact, including from Oliver's Point, a well-loved historical and rural viewpoint
- Higher emissions of nitrogen, ammonia and possible contaminants
- Additional nitrogen applied to fields from manure spreading
- Odour from spreading of manure
- Rats and flies from manure storage and spreading; potential spread of disease
- Additional odour, adding to existing issues
- Light pollution from vehicles loading and unloading, day and night
- Pollution from manure spreading
- Additional bio-aerosols and dust
- Insufficient information regarding disposal of manure at anaerobic digester plant
- Need to assess additional traffic from export of manure
- Visual assessment in relation to Oliver's Point on Nesscliffe Hill was carried out prior to designation as a Nature Reserve
- Increase in HGV traffic
- Noise pollution

4.2.3 **Shrewsbury CPRE** Objects.

Odour: We notice that there is more information in this application on storing and spreading manure. We find it strange that the report states:

Manure will be spread under suitable conditions

- Wind direction will be chosen with prevailing direction from the west which will blow odours away from the closest dwellings.

Presumably this is intended to state that it will not be spread when the wind is from the west. Given the predominance of west/south-west wind, we do not believe that this is

practicable.

Odours also arise from the existing poultry farm, as we have experienced on the hill above Nesscliffe.

The report notes that there are five sensitive sites likely to be affected by odours. One of them is a private house at Prill. No mention is made of the odour impact on Nesscliffe village which is only 300 metres from Prill and includes a significant new housing estate. The proposed extension would substantially increase odour impact on these dwellings.

Landscape: The existing poultry farm is largely screened by the row of trees and bushes along the side of the A5 and although clearly visible from Nesscliffe Hill, its impact is far less obtrusive than would be the case if the extension is approved.

The earlier application was refused by the Council for various reasons which included Planning Policies C85, C86, C513 and C517 and SAMDev policies MD2, MD7b, MD8, MD12 and MD13. The minor additions to the Manure Management section do not in our view override these policies nor do they justify any possible economic benefits.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

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

6.2 Planning policy context; principle of development

- 6.2.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration and sets out a presumption in favour of sustainable development and there are three overarching objectives to achieving this: economic; social; and environmental. The NPPF states that significant weight should be given to the need to support economic growth and productivity (para. 80). In respect of development in rural areas, it states that planning decisions should enable the sustainable growth and expansion of all types of business; and the development and diversification of agricultural and other land-based rural businesses (para. 83).

6.2.2 This approach is reflected in Development Plan policy. Core Strategy policy CS5 provides support for appropriate development within the countryside, which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts, and this is discussed in sections below. Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.

6.2.3 The proposal to expand the existing enterprise would involve significant investment and would help to sustain the long-term viability of the rural business. It would provide additional economic benefits in terms of additional labour requirements in a sector which is appropriate in the rural area. The Environmental Statement states that the proposal is a sustainable economic development. Its list of benefits include: the expansion of the UK poultry meat production capacity; helping to meet the rising demand for poultry meat in the UK and becoming self-sufficient in poultry meat; reducing the need to import foreign produced poultry meat; reducing greenhouse gas emissions from fossil fuel consumption in transportation of meat across the globe, i.e. food miles. It is considered that the proposal has support in principle from Development Plan and national policy. However policies also recognise that poultry units can have significant impacts and these matters are assessed below.

6.3 Siting, scale and design; impact on landscape character

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment.

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

6.3.3 Design and sustainability: The buildings would be heated using a biomass boiler fuelled by woodchip/pellets, straw or Miscanthus, which would be more environmentally

beneficial than the use of non-renewable forms of energy. The proposal would incorporate sustainable drainage measures to reduce impacts on surrounding land. Officers acknowledge that these represent beneficial elements to the proposal.

- 6.3.4 Landscape and visual impacts: The Environmental Statement includes a Landscape and Visual Impact Assessment (LVIA). This assesses the landscape in this area as having low/medium landscape quality. There are no national or local landscape designations affecting the application site. The poultry buildings would be constructed at the level of the existing sheds and ground modelling around the development would result in surrounding land being approximately 3.5 metres higher than the floor levels of the buildings. The existing approved landscaping scheme provides for tree and hedgerow planting around the existing buildings. The proposed development would prevent this from being implemented. However tree and hedgerow planting would be carried out along the new south-eastern and south-western boundaries of the site.
- 6.3.5 Taking into account factors such as the sensitivity of the landscape, the magnitude and significance of effects, and the existing development, the LVIA states that the effect on landscape character would be of Minor adverse significance. This assessment, as revised, does take into account the new status of Nesscliffe Country Park as a Local Nature Reserve. There would be a single low-wattage, downward-facing light above each of the main shed doors. The LVIA suggests that the effect of night-time lighting would be of Negligible adverse significance.
- 6.3.6 The site is generally well contained visually to the east and north by trees belts, and more open to view from the west and south. Potentially susceptible visual receptors include public footpaths in the area, the Kinton road, the A5(T) and The Cliffe and Oliver's Point. The LVIA has assessed visual effects from representative locations. The route of footpath 0419/9 would be directly affected by the development and would need to be diverted. The LVIA assesses the effect on the visual amenity of this footpath as of Moderate adverse significance. The LVIA acknowledges that visitors to Nesscliffe Country Park, to the east, would have high susceptibility to change. It states that from here the proposed development would be visible in the context of the existing poultry unit, the A5(T) and the adjacent service area, and the proposed ground modelling and tree/hedgerow planting would help to soften the outline of the development from this direction once established. It assesses the effect on visual amenity from Oliver's Point as of Moderate/Major adverse significance. Effects from other public views, and from private dwellings, are assessed as being of Minor adverse significance to the decision making process. Overall the LVIA assesses the visual effects of the proposed development from these locations as Not Significant. The LVIA concludes that there would be no significant adverse landscape effects or visual effects.
- 6.3.7 The Council's landscape consultant, ESP Ltd., has been consulted on the LVIA and considers that its findings are comprehensive and reliable, and that the mitigation proposals are appropriate. The LVIA considers that the proposal would not lead to any cumulative effects with other poultry units and Officers concur with this conclusion. The proposal would be a significant development, and would extend the area of the whole site to approximately 5.8 hectares. It would increase its visibility in the local area, and result in adverse visual amenity from some public viewpoints. This matter is considered further in the planning balance section below.

6.3.8 Potential impact on MOD activities

The MOD has advised that the site is located approximately 1.08km away from the Nesscliffe Training Area and lies within the approach for aircraft operating in/around the training area. This area is used for training purposes which includes 'extremely low flying and manoeuvring' and involves helicopters hovering at full power for several minutes at a time. The MOD states that training also includes live/simulated arms training, and the use of explosives, large tracked vehicles and weapons systems. The MOD is concerned to ensure that they should not be expected to accept responsibility for any losses caused by MOD's activities in the area. In response to this the applicant has formally confirmed that no claims will be brought against the MOD for bird losses attributable to MOD's operations, and it is considered that this is sufficient to alleviate the MOD's concerns.

6.4 **Residential and local amenity considerations**

6.4.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

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

6.4.3 Odour: The proposed development has the potential to have a significant impact on the environment as a result of odour generation. Manure generated from within the proposed sheds would be taken directly off site at the end of each cycle to an anaerobic digester, as opposed to being spread on farmland. Potential odour impacts would therefore relate to direct emissions from the poultry houses, either alone or in combination with the existing sheds, rather than any indirect impacts from manure spreading.

6.4.4 The application is accompanied by an Odour Impact Assessment which is based upon dispersion modelling. It also takes into account the proposed use of end-wall scrubbers on both the four proposed poultry buildings and the existing four. The assessment concludes that odour exposure levels at all modelled receptors would be below benchmark level of 3.0 ouE/m³ for moderately offensive odours such as poultry manure. Based upon industry guidance, at most of the modelled receptors there would be 'negligible effects'. It predicts that there would be 'slight adverse effects' at one residential receptor (The Prill) and at the public right of way surrounding the site. Importantly it notes that all receptors would remain in the same odour effects categories

that they are currently in in relation to the existing four buildings. Officers are not aware of any existing odour complaints in relation to the poultry rearing operation. The report concludes that the proposed development would not result in any significant adverse effects on local amenity.

- 6.4.5 The Council's Public Protection Officer concurs with the conclusions of the Odour Impact Assessment. It is not considered that the proposal would result in unacceptable odour impacts.
- 6.4.6 Noise: Para. 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location; and mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development; and avoid noise giving rise to significant adverse impacts on health and the quality of life. The proposed development has the potential to have a significant impact on the environment as a result of noise generation, including from extraction fans, from vehicle movements around the site, and from the traffic movements to/from the site. These impacts may result either from the development itself, or in combination with the existing operation.
- 6.4.7 The submitted Noise Impact Assessment has calculated the emissions from the ventilation extract fans and from transport activity including deliveries and collections. It states that noise levels during the night at the nearest dwellings would be low, and significantly below the sleep disturbance threshold set out in standard guidance. It concludes that during the night both the extract fans and transport activities would result in a 'very low' noise impact.
- 6.4.8 The Council's Public Protection Officer has noted that the cumulative impact from the scrubber fans and emergency fans has not been considered, however has nevertheless advised that the conclusions of the Noise Impact Assessment can be supported. As such it is not considered that the proposed development would result in unacceptable levels of noise in the area.
- 6.4.9 Manure management: Manure from the existing permitted poultry rearing operation is spread on local farmland as a fertiliser. It is proposed that manure from the proposed four buildings would be taken off site to an anaerobic digester facility for treatment, and would not be spread on land. It is considered that a planning condition should be imposed to require that manure is exported from the site in covered vehicles in order to minimise odour levels. Subject to this it is considered that potential impacts from manure generation would not be significant. However in order to ensure that appropriate control is maintained over the management of poultry litter, it is considered that a condition should be imposed to require that records of the quantity and destination of manure from the proposed buildings are kept and made available as and when required.
- 6.4.10 Dust: The air scrubbers would capture significant levels of dust from the buildings. The Council's Public Protection Officer has advised that the proposed development would not be likely to increase bioaerosol loading at the nearest residential properties, and that the potential for nuisance dust is very low due to the distance of the site from receptors. In addition the Environment Agency has advised that in relation to their Environmental Permitting process a dust management plan would not be required as the site is more than 100 metres away from sensitive receptors.

6.5 Historic environment considerations

- 6.5.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.
- 6.5.2 A Heritage Impact Assessment has been submitted. This suggests that the dominant heritage asset to be taken into consideration is the Scheduled Monument of Nesscliffe Hill Camp. It suggests that given the existing poultry unit, the screening afforded by the Nesscliffe bypass, and the restricted heights of the proposed buildings, the proposed development would have limited negative impact on views from this heritage asset. It states that any filtered views would be distant, and visual impact on the Scheduled Monument is assessed as being low adverse in the short term and negligible in the long term. It assesses the impact of the development on listed buildings and heritage assets at Kinton village as low adverse to negligible.
- 6.5.3 The Council's archaeologist concurs with the assessment of impacts on the hillfort. The Conservation Officer has recommended that landscaping is undertaken and this can form part of the decision notice if permission is granted.

6.6 Traffic, access and rights of way considerations

- 6.6.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.
- 6.6.2 Peak traffic movements to/from the site would occur during times when birds are removed from the site. This would take place over two 2-day periods during each 48 day crop cycle. This would commence at 0200 hours, and during the 0200 – 0700 night-time period there would typically be no more than two HGV movements per hour. Manure removal would be undertaken by tractor and trailer and would amount to 30 over two days during the bird rearing cycle. The Environmental Statement states that on 27 days of the crop cycle, there would be no HGV movements, and there would be more than 2 HGVs per day on only 7 days of the crop cycle. The most HGVs on any one day would be 18.
- 6.6.3 The widening of the public highway to the north of the site has been undertaken by the developer in line with the requirements of the existing planning permission. It is considered that the proposed access to the farm is of an acceptable design and provides satisfactorily visibility for incoming and outgoing vehicles. The application proposes that HGV traffic would approach the site via the Wolfshead roundabout from the A5(T) to the north of the site and the former A5. This would avoid HGVs travelling through Kinton village. It is considered that this route is appropriate. The Council's highways officer has raised no objection to the proposal.

6.6.4 Highways England issues: The proposed development is situated adjacent to the A5 Trunk Road and Highways England initially raised concerns over the potential implications of the development on the highway embankment. The application has now been amended to incorporate ground re-modelling works adjacent to the embankment to ensure that its stability can be maintained. Subject to the imposition of conditions requiring implementation of these works and the submission of a drainage scheme, Highways England has now removed its holding objection.

6.6.5 In light of the above it is considered that the proposal does not raise significant traffic and highways issues.

6.6.6 Rights of way considerations: A public right of way runs across the southern part of the site. There is scope to divert this footpath around the boundary of the proposed site and this does not appear to raise any significant issues. As noted by the Rights of Way team, this can be done under a separate legal process.

6.7 **Ecological consideration**

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

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

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

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

6.7.4 Direct impacts: The proposed buildings would be sited on hardstanding and arable land, which comprise habitats of negligible potential to support protected or notable species. The Council's ecologist has advised that there would be no direct impacts on designated wildlife sites or notable habitats. The ecologist has advised that no further Great Crested Newt surveys are required, and that a pre-commencement badger inspection should be undertaken as a precautionary measure. An appropriate condition is recommended.

6.7.5 Impacts from ammonia: The site lies within 10km of two internationally designated wildlife sites and within 5km of two nationally designated biological SSSIs. In addition there are seven non-statutory sites within 2km of the site. An Ammonia Impact

Assessment has been submitted and this takes into account the proposed use of ammonia scrubbing equipment on both the proposed four poultry buildings and also the existing four buildings. Notwithstanding the addition of four poultry buildings, the use of scrubbers on all of the buildings would result in an overall reduction in ammonia concentrations and nitrogen loads, amounting to approximately a 50% reduction. There would therefore be betterment in relation to the existing situation. The Council's ecologist has raised no significant concerns however has advised that a robust planting scheme should be provided for the purposes of long-term ammonia capture, and this can be secured as part of a planning condition.

6.8 Impact on water resources

6.8.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.

6.8.2 The site is located within Flood Zone 1 (low risk of fluvial flooding) and the submitted Flood Risk Assessment confirms that risks from flooding are low. It is proposed that surface water from the site would be discharged into an existing attenuation swale located to the west of the development. This would be enlarged to increase its capacity to reflect the additional run-off from the proposed buildings. Additional attenuation would be provided by French drains to be constructed along the sides of the buildings. The FRA suggests that the residual impacts on the local water environment would be negligible. Wash water from the cleaning out of the sheds would be collected in underground tanks. The Council's drainage consultant has confirmed that the proposed drainage scheme is acceptable and that detailed matters can be dealt with as part of a planning condition.

6.9 Planning balance

6.9.1 The above assessment has discussed the likely impacts of this significant development. It is considered that impacts on the local area in general in relation to highways, residential amenity, historic environment, ecology, and water resources would not be unacceptable. In relation to landscape and visual impacts the proposal would result in moderate/major adverse visual effects at Oliver's Point in Nesscliffe Country Park/Local Nature Reserve. The Council's landscape consultant notes that this level of impact represents a worst case scenario given that views out from the vicinity of this viewpoint are restricted by woodland. Some mitigation would be provided in time as proposed landscaping develops albeit that screening effects would be limited due to the elevated position of the viewpoint. Notwithstanding this, Officers do not consider that these visual impacts would be of such a scale as to have a significant impact on tourism in the area. In addition it is considered that these adverse visual impacts and limited other adverse impacts would be outweighed by the benefits of the proposed expansion of the existing poultry business.

7.0 CONCLUSION

7.1 This planning application seeks to enlarge the existing poultry rearing operation at Kinton which was permitted in 2016. The additional four buildings would increase the number of birds at the site from 200,000 to 400,000. The application is accompanied by a set of technical assessments forming part of an Environmental Statement which identify the likely impacts on the environment.

- 7.2 Neither the Council's Conservation team nor the Archaeology team have raised objections in relation to potential impacts upon designated and non-designated heritage assets in the vicinity. A satisfactory level of traffic information has been submitted, including details of road widening works which were undertaken by the applicant in relation to the previous planning permission. No objections have been raised on highways grounds, either by the Council's highways officer or by Highways England in respect of the stability of the adjacent embankment of the A5 Trunk Road. The technical assessments in relation to odour and noise have identified likely impacts. The Council's Public Protection team have concluded that there would be a very low impact from noise and no significant adverse impact on amenity due to odour. A satisfactory surface and foul water drainage scheme, linking in with the existing one, can be secured through a planning condition.
- 7.3 The proposals would result in betterment over the current situation in terms of emissions of ammonia. This is due to the proposal to include air scrubbers on all eight of the poultry buildings, i.e. the proposed ones and also the existing four. Overall ammonia levels and nitrogen loadings would therefore be reduced, and this is a significant benefit of the scheme. Further biodiversity benefits would be provided by the additional landscaping proposed. In addition the proposal would involve a significant level of investment in an established agricultural enterprise, and provide additional indirect employment in the sector. The Landscape and Visual Impact Assessment has identified that there would be Moderate/Major adverse visual effects on Oliver's Point which forms part of the Nesscliffe Country Park/Local Nature Reserve and is approximately 1km to the east. Nevertheless, taking into account the advice of the Council's landscape consultant, Officers consider that this impact is outweighed by the overall benefits of the proposal, noting also the absence of other significant impacts.
- 7.4 Therefore on balance it is considered that the proposal is compliant with the Development Plan overall and that, subject to the imposition of the conditions included in Appendix 1, the grant of planning permission can be recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD7B - General Management of Development in the Countryside
 MD12 - Natural Environment
 MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

15/05462/EIA Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access GRANT 4th May 2016
 17/00504/FUL Erection of an agricultural workers dwelling and installation of septic tank WDN 27th June 2017
 18/00130/EIA Erection of four poultry rearing buildings, nine feed bins, landscaping scheme and all associated works (amended description) REFUSE 18th October 2019
 20/03976/EIA Erection of four poultry rearing buildings, nine feed bins, landscaping scheme and all associated works PDE

11. Additional Information

[View details online:](#)

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|--|
| 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 Ed Potter |
| 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. 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. To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

4. (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 on the site 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, or to any of the existing four poultry buildings, 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.

5. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include tree planting along the site boundaries (particularly the southern and eastern boundaries) in order to reduce long-term ammonia dispersion from the development, and works to provide mitigation of landscape and visual impacts. 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.

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

6. Within six weeks prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

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

7. Construction of the buildings hereby permitted shall not commence until the ground alteration works as detailed in the Section Plan drawing no. RB-MZ631-02) have been completed.

Reason: To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

8. No above ground works shall take place until details of the external materials and colour treatment of all plant and buildings have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, and retained as such for the lifetime of the development.

Reason: To ensure a satisfactory appearance of the development.

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

9. (a) No more than 400,000 birds shall be kept in the eight poultry rearing buildings at the site 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 the 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. (a) All manure arising from the poultry buildings 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 in covered vehicles.

(b) Records of the destination of each load of manure arising from the poultry buildings hereby permitted shall be made and these shall be made available to the local planning authority on request.

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

Informatives

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

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

3. Ecology advice:

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

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

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

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

4. Fire Service advice:

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, 2010 (2019 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.

-



Committee and Date
 Northern Planning Committee
 29th March 2022

Item
7
 Public

Development Management Report

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

Summary of Application

| | | |
|---|----------------|--------------------------------------|
| Application Number: 21/05985/EIA | Parish: | Hadnall |
| Proposal: Construction of two free range poultry houses with feed bins and ancillary equipment | | |
| Site Address: Painsbrook Farm Painsbrook Lane Hadnall SY4 4BA | | |
| Applicant: Mr A Brisbane | | |
| Case Officer: Philip Mullineux | email | : philip.mullineux@shropshire.gov.uk |

Grid Ref: 353068 - 321189

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Recommendation:- Refusal:

The application lacks sufficient detail on which basis to make a positive recommendation as it is considered the application lacks sufficient detail on biodiversity, (ecological and landscape), amenity, odour, highway and transportation and drainage issues. As such the recommendation is one of refusal as the application falls well short of EIA Regulations 2017 and does not comply with Policies CS5, CS6, CS13, CS17 and CS18 of the Shropshire Core Strategy, Policies MD2, MD7b, MD12 and MD13 of the SAMDev and the National Planning Policy Framework.

REPORT**1.0 THE PROPOSAL**

- 1.1 Application is made in 'Full' and proposes erection of two free range poultry houses with feed bins and ancillary equipment on land at Painsbrook Farm, Painsbrook Lane, Hadnall, SY4 4BA
- 1.2 Application is accompanied by a site location plan, block plan, elevations and floor plans, plan of heritage assets, ammonia report, ecological assessment, nitrogen calculations and a report termed an 'Environmental Statement'.
- 1.3 Pre-application advice was given in relation to a proposal for an expansion to the existing egg laying unit that forms part of the farming business dated 21st May 2020 and this indicated as the conclusion:

'Whilst on the basis of the information as provided to-date, I consider that the principle of development as indicated could be considered acceptable in principle, the proposal represents substantial development in the open countryside to which careful consideration is required to all the subject issues as identified in this letter. Careful consideration is required to issues as raised and in particular in relation to landscape and ecological mitigation, as well as impacts on residential amenity and public highway access

I also draw your attention to the requirement for an Environmental Statement in accordance with Environmental Impact Assessment Regulations as discussed earlier in this letter.

If you require a meeting on site prior to the submission of a formal application please contact me here at Planning Services'.

- 1.4 As confirmed in the Council's pre-application advice the proposal in accordance with information submitted in support of the request for pre-application advice dated 19th March 2020 was for two intensive egg laying poultry houses for the housing of up to 48,000 birds (24,000 in each one), on land at Painsbrook Farm, Hadnall, Shropshire. Presently on the farming unit concerned is an intensive egg laying unit which houses up to 32,000 birds and this was approved by the Local Planning Authority on 18th March 2019. In consideration of 'cumulative impacts' the development as proposed in theory falls into the remit of schedule one development of Environmental Impact Assessment Regulations 2017 as the total birds on site will amount to 80,000. (Schedule one 17(a) threshold being 60,000 places for hens). As such the proposed development (cumulative considerations), falls into the remit of Schedule 2:13(a) and therefore any formal application will need to be accompanied

by an Environmental Statement.

- 1.5 The Environmental Statement submitted in support of the application indicates that the development as proposed is for two new buildings measuring 120m long x 20m. Height to the ridge level will be 6 metres. The maximum capacity of the proposed sheds will be 64,000 birds on completion. The laying cycle will be 14 months, plus a turnaround period for de-stocking and cleaning etc. of 14 – 21 days.
- 1.6 Planning approval was granted on 18th March 2019 for 'Erection of free range poultry laying unit (32,000 birds) with 3No. feed bins and ancillary equipment; alterations to existing access' on land close to the application site and this egg laying unit is part of the same agricultural business. (Approval reference 18/04465/FUL).
- 1.7 A previous application on site (reference 21/03061/FUL), for the erection of two free range poultry houses with feed bins and ancillary equipment *was withdrawn* on 22nd September 2021 on Officer advice as the application was considered deficient in information provided and also referred to the incorrect Environmental Impact Assessment Regulations.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is relatively flat and in agricultural use and covers an area of approx.0.95 hectares in accordance with detail as set out on the application form. The site is situated approx 400 metres south east of Painsbrook Farmstead, being around 1.5km north of the village of Hadnall. There are mature hedgerow boundaries within the vicinity of the application site.
- 2.2 Detail as part of the Environmental Statement in support of the application indicates that the construction materials proposed will consist of a steel framed fully insulated building clad externally with profiled steel sheeting coloured by agreement with the Local Authority. The applicant proposes slate blue cladding for the roof, walls and feed bins. An integral part of the design of the development is an effective and appropriate landscaping scheme. The proposed features will screen the development over time, provide additional landscape features which are sympathetic to the local landscape character and provide additional habitat. It is considered the existing mature native species hedgerows around the field boundaries around the proposed buildings will assist assimilation of the development into the landscape. The applicants will let those hedgerows grow taller. Clean run- off water will be collected via drains to a large french drainage field. It will then percolate into the free draining soil. The drains work very well and can accommodate the proposed buildings. Feed will be stored in steel bins, which will be sited as shown on the Site Layout Plan. Sufficient bins are needed to ensure adequate supply in the event that bad weather prevents deliveries.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is considered schedule one development in accordance with EIA Regulations. As such the application requires Committee consideration.

4.0 Community Representations

- 4.1 **Hadnall Parish Council** has responded indicating:
The comments submitted by the Parish Council in support of prior application 21/03061/FUL still stand: Hadnall Parish Council Planning Committee decided unanimously to support this application for the following reasons:

- Viewing of the existing poultry shed showed a clean, well-maintained facility.
- There has been no reported negative impact of the existing shed and no residents have submitted any objections to this application to either Shropshire Council Planning Portal or the Parish Council.
- The planning committee feels that this proposal would help an ethical local enterprise to grow and produce significant environmental gains in terms of the required tree planting.

4.2 **Consultee Comment**

4.3 **SC Drainage** have 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. Condition:

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

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

2. Comment:

2.1. In the Environment Statement, it stated that a FRA has been commissioned to support this application and will be supplied as an Appendix when it is received.

2.2. The treatment of the dirty water used in the washing out of the sheds in the Environment Statement is acceptable and should be detailed on the Proposed Drainage Layout Plan.

2.3. 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/>

2.4. Appendix A1 - Surface Water Drainage Proforma for Major Developments must be completed and together with associated drainage details, must be submitted for approval.

4.4 **SC Archaeology Manager** has responded indicating no comments on this application.

4.5 **SC Trees Manager** has responded indicating:

A tree report has not been submitted with this application as no existing protected

or significant trees are directly affected by the proposal.

The submitted Ecology report deals with the protection of existing hedges on site and new tree planting in line with the Woodland Trust guidelines for using native species. Therefore, on this application, I will defer to comments from SC Ecologists on protection of habitat and net gain and to Landscape Consultants on negative impacts to surrounding areas and I make no objection on arboricultural grounds.

4.6 Defence Infrastructure Organisation, (MOD), raises no objections, their response indicating:

In summary, subject to the addition of the following requirements implemented as conditions to any consent issued, the MOD have no objection to the development proposed:

- To ensure that the development does not form an attractant environment for those large and/or flocking bird species hazardous to aircraft using RAF Shawbury, the landscape planting is further reduced in this location to no more than 25% of the planting being fruit, berry, or hip bearing.
- Assurances are received that temporary field heaps will be located further from RAF Shawbury and manure stored on the farm is covered or removed promptly.
- To ensure that the lighting installed and used at the application site does not pose, by virtue of its position, orientation, or frequency a hazard to aviation, no external lighting shall be installed or used on the site unless or until such time as full details of the proposed lighting scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Ministry of Defence

4.7 SC Environmental Protection have responded indicating:

Environmental Protection has reviewed the information provided in the Environmental Impact assessment and has the following comments:

Noise

The noise chapter of the EIA does not include an appropriate assessment by a suitably qualified person. Prior to determining this application I recommend that a suitable noise assessment should be carried out by competent person in order to assess the impact of the operations. If noise levels are predicted to have a significant adverse effect then a mitigation scheme should be submitted detailing what mitigation is going to be provided and the noise levels that are predicted to be achieved.

The noise report should include a BS4142 assessment of the current and predicted noise levels from the site in relation to the background noise. The assessment should be relevant to the proposed hours of operation i.e if it is planned to operate certain plant/operations in the night time hours then the background noise levels at this time should be considered. If plant are likely to operate simultaneously then they must be assessed accordingly, i.e if all the roof fans are likely to run at the same time the cumulative impact must be assessed. Noise levels associated with vehicle movements to and from the site should also be considered.

It is not considered necessary to assess the impact of construction noise, however the standard construction hours should be applied as a condition on any consent granted.

Manure management

The EIA indicates that manure will be exported to local arable farms and that the applicant will require the recipient to ensure they comply with relevant storage and spreading codes of Good Practise. Previous appeals found that moving the spreading of manure to a third party for spreading would be considered to be an indirect impact of a poultry application requiring consideration by the planning regime. Hence I would recommend that an appropriate manure management plan is required or an agreement that the applicant will only provide manure to those that agree with the applicant to spread manure in line with the DEFRA Code of Good Agricultural Practise – Protecting our Soil, Water and Air. It would be advised that this aspect should be conditioned to ensure that the planning regime offers reasonable security of this aspect having a low impact.

Environmental Permit

The proposal is for two sheds housing 64,000 birds in addition to the existing 32,000 bird unit approved in 2019. As such the development will require an environmental permit issued and regulated by the Environment Agency prior to operation. It is advised that the Environment Agency is consulted on this application and the applicant is recommended to place an application for the environmental permit in tandem with this planning application in order to ensure that both control regimes are aligned and that any conditions placed on each do not conflict with the other causing further application to be made which are likely to cost the applicant time and money.

4.8 **SC Conservation** have responded indicating:

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS5 Countryside and Green Belt. CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2021, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the construction of two free range poultry houses with feed bins and ancillary equipment at Painsbrook Farm, Hadnall. A previous application for a 32,000 bird unit was approved under application 18/04465/FUL. Cumulatively the development on this site will be of a scale that could have wider landscape and visual impacts and impacts upon the settings of historic assets. Therefore a Heritage Impact Assessment forms part of the Environmental Statement supporting the application and concludes that 'There will not be a significant effect on any listed buildings or other heritage assets'. We would generally concur with this conclusion and do not wish to raise conservation objections in this instance. External materials and landscaping should be conditioned.

4.9 **SC Ecology** have responded indicating:

Objection. Information submitted regarding ammonia emissions and their effects on

designated sites/sensitive habitats is insufficient to be able to demonstrate that the proposed development will not have adverse effects on significant environmental assets, as required by NPPF, MD12 and CS17. Ammonia report

Further to SC Ecology's comments dated 16 September 2021 for an identical application which was subsequently withdrawn, it appears that the same ammonia report has been submitted. My comments for 21/03061/FUL are therefore relevant for this application, and in addition, the following detailed comments are now supplied: The application is for 64,000 free range layers, therefore, in accordance with the latest ammonia guidance available from statutory agencies (Natural Resources Wales / Ammonia assessments for developments that require a permit or planning permission), which Shropshire Council are adopting, modelling of ammonia emissions for installations of this size must include sensitive ecological sites up to 5km from the proposal. Sensitive ecological sites are the following:

European designated sites (Natura 2000 sites) - Special Areas of Conservation (SAC), Special Protection Areas (SPA); and Other internationally designated sites - Ramsar Sites (as a matter of government policy); and Nationally designated sites - Sites of Special Scientific Interest (SSSI); and

Ancient woodland and parklands - As identified on the Ancient Woodland Inventory <https://data.gov.uk/dataset/9461f463-c363-4309-ae77-fdcd7e9df7d3/ancient-woodland-england> and Wood Pasture and Parkland Inventory

<https://data.gov.uk/dataset/bac6feb6-8222-4665-8abe-8774829ea623/wood-pasture-and-parkland-england>

Use of Best Available Technology should be the first avenue to be considered in reducing ammonia emissions, however, this appears to not have been considered to date and should be. The proposed sheds are large and scrubbers can be fitted to free range units as well as retrofitted to existing units. The emission factor for ranging areas (section 3.4.2 1 of the ammonia report) is not considered suitable for use and should be updated in line with those published by Natural Resource Wales which is 0.045 kg NH₃/animal place/year. Emission factors for all types of poultry installation are available at

https://naturalresources.wales/guidance-and_advice/business-sectors/farming/ammonia-assessments/emission-factors-for-poultry-for_modelling-and-reporting/?lang=en and should be used across the board.

There are concerns regarding the ability to truly account for cattle v poultry due to the number of variables associated with cattle and in addition, the trading of nitrogen via change in agricultural land fertiliser application is not evidence led or backed up and it is not clear what values can be attributed to these areas. If a trading approach is the one which is proposed to be pursued, SC Ecology require robust and specific information on nitrogen application that has been undertaken on the fields in question together with accurate information on emissions from cattle over the past five years and not just an estimate of what grazing, housing or slurry could contribute. Painsbrook Farm is within a Surface Water NVZ. The designation of the land within this zone imposes rules and regulations including the need to keep records of fertiliser records for at least 5 years including the type and quantity of organic manure that is applied. The number of cattle held on the holding does not appear to match the records accessed by Shropshire Council which illustrate that the current number of livestock for the holding is 457 and not 600 as claimed in the supporting information and used in the air quality modelling report. At the moment there is inconsistency in the information presented in the EIA statement and the air modelling report. For instance, within the supporting environmental statement Halls

state 'Appendix 4 shows that with 96,000 layers, exporting all poultry manure and keeping 600 cattle there is an overall reduction in nitrogen on the holding of 3,000 Kg N per year'. However the applicant is willing to cease cattle rearing as per the ammonia assessment. What is actually being proposed needs to be clearly stated and consistently presented across all the submitted documents.

There are inconsistencies in the information submitted with regard to manure management and fertiliser application. The environmental statement makes the following point 'The spreading of chicken manure on the farmland will be undertaken in accordance with Best Practice Guidance' – this would imply that spreading of poultry manure is to still occur on the holding. The air quality report also makes reference to the fact that 'There are approximately 130 ha of grassland at Painsbrook Farm, this land is currently fertilized exclusively using organic manures and/or slurries'. In contrast the nitrogen balance documentation produced by Halls indicates that 10 tons of nitrogen have been applied to the land holding; where this has been applied and at what rate is unknown but again there are unknown factors. The emissions from the slurry / manure will vary depending on type of organic manure being applied and methodology of application. The updated DEFRA Nitrate Vulnerable Zone Regulations 2013-2016 for England can be found at <https://www.gov.uk/guidance/using-nitrogen-fertilisers-in-nitrate-vulnerable-zones>. The guidance highlights how much organic manure you can apply per hectare. The latest on line compliance figures published are below the stated 300kg per hectare by Halls. Manure should not be freely spread on the land without understanding the future cropping and also stored nitrogen reserves in the soil.

The guidance application rates of fertiliser to arable and grassland (organic or inorganic) is available from by AHDB (Agriculture and Horticulture Development Board) <https://ahdb.org.uk/nutrient-management-guide-rb209>.

The environmental supporting statement highlights that the farm has a manure store with a concrete floor which can be used if necessary to hold manure before it is exported. It is not clear if this is to be used to store manure from the proposal in the event that the manure is not able to be taken off site or is able to be received at designated holdings. The ammonia emissions from the manure store will need to be calculated and included in the air quality report. Notwithstanding our above advice regarding use of BAT, if an offsetting approach is the approach being pursued for this application, and it can be proven to be effective and scientifically robust then conditions would likely have to be imposed, which must follow these following principles²

:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

It would be necessary for the applicant to provide the information to the LPA in order that they can assess whether the aforementioned 'tests' can be met.

If it can be demonstrated that the development is nutrient neutral, a cumulative assessment would not be required, otherwise, an in-combination assessment should be produced, and results presented. All sites within the 5km buffer should be considered in the in-combination assessment and not just those which are at or above the 1% threshold alone.

In summary, the submitted report does not provide the level of detail required to enable the LPA to clearly identify the impact of the proposal upon sensitive sites. Three tables presenting the PC of the development alone, the PC with BAT and the PC with only the proposed offsetting measures should be provided and backed up by farm-specific evidenced data. The PC should also be presented as % of Cle/CLo for each impacted site.

4.10 **SC Highways** have responded indicating: No response received.

4.11 **SC Landscape Consultant** has responded indicating in conclusion:

Other than the omission of the approach to cumulative landscape and visual effects, the methodology for the LVIA is appropriate for the nature of the proposed development and scale of likely effects, and has been prepared in compliance with GLVIA3 and relevant supporting Technical Guidance. However, we consider that the assessment of some effects has not been carried out in accordance with that methodology and should not be relied on to make a sound planning judgement.

The LVIA has not been carried out in accordance with the requirements of the Environmental Impact Assessment Regulations 2017 with respect to cumulative effects. All predicted effects are adverse or no change, with one predicted beneficial effect on the landscape fabric of the site once mitigation is in place and effective, although no evidence is provided for this judgement.

The proposal site has the potential to accommodate a development of this nature given the vegetation in the vicinity which act to limit visibility to the majority of visual receptors away from the immediate vicinity of the site, and the baseline presence of the existing poultry unit. Mitigation measures have the potential to reduce the level of adverse effects and provide beneficial landscape and biodiversity effects. The proposals have the potential to comply with Local Plan relating to landscape and visual matters, however additional information is required for levels of compliance to be confirmed.

4.12 **Public Comments**

4.13 No comments received at time of writing this report.

5.0 THE MAIN ISSUES

- Principle of development and EIA procedure.
- Siting, scale landscape and historic impact.
- Drainage
- Public highway and transportation
- Ecology
- Residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to achieving sustainable development and establishes a presumption in favour of sustainable development (para. 7). One of

its core planning principles is to proactively drive and support sustainable economic development. Sustainable development has three dimensions – social, environment, and economic. The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprises, in rural areas, and promotes the development of agricultural businesses (para. 84). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 174) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 185). 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.

The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of an egg laying unit 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.

6.1.2 **Environmental Impact Assessment**

6.1.3 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of egg laying birds is 60,000 or more. As such the current proposal is classed as schedule 1: 17(a) EIA development. (60,000 places for hens). An adequate Environmental statement in support of such an application is therefore essential. Whilst the proposal also falls into the remit of Schedule 2 EIA Development criteria (Schedule 2 1(c) – Agriculture and aquaculture and intensive livestock installations, as area of floor space exceeds 500 square metres). The fact that the number of birds on site is to be 64,000 means that Schedule 1 development procedure prevails. This is also irrespective of the existing birds in the existing building adjacent to the site and pre-application advice in relation to the proposal for development on site which was in relation to 24,000 birds in each shed. (48,000).

6.1.4 It is noted detail as set out in the applicants Environmental Statement submitted in support of the application refers to the statement having been prepared in accordance with the Town and Country Planning (Environmental Impact

Assessment) (England and Wales) Regulations 2011 (hereafter referred to as the Regulations). These Regulations are out of date as the current regulations are the Town and Country Planning (Environmental Impact Assessment), Regulations 2017 and these have been in force since May 2017

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

6.2.1 Paragraph 195 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 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 16 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.

6.2.2 It is noted in relation to the historic environment the Council's Conservation Manager raises no objections as it is considered the proposal will not have any significant detrimental impact on the surrounding historic environment. These conclusions are shared and with adequate consideration to landscape and visual impact matters, impacts on the historic built environment it is considered will be acceptable.

6.2.3 The applicants as part of the Environmental Statement in support of the application have submitted a landscape and visual impact assessment and this concludes that there would be a significant adverse effect on the character of the site landscape during the operational phase of the proposed development due to the presence of poultry units 2 and 3. However, there would not be any significant adverse effects on the landscape fabric of the site, on the character of the surrounding landscapes or on the visual amenity of receptors in the study area during the construction and operational phases of the proposed development due to the degree of screening provided by the abundance of existing vegetation on and around the site and the separation distances between the proposed development and the residential properties, public rights of way, visitor venues and roads in the study area. Furthermore, as the woodland, hedgerow and tree planting proposed in the landscape and biodiversity enhancement and management plan establishes, this would bring about long-term beneficial effects on the character of the site and surrounding landscapes which would help to offset the predicted significant effects on the character of the site landscape during the operational phase.

6.2.4 The Council's Landscape Consultant has responded to the application indicating that whilst overall it is considered that the site has the potential to accommodate development as proposed, and that overall the methodology used in the Landscape and Visual Impact Assessment, (LVIA), is appropriate in relation to the nature of the proposed development, although the assessment of some effects has not been carried out in accordance with the methodology and should not be relied on to make a sound planning judgement. Concerns are also raised with regards to cumulative impacts and the requirements of the Environmental Impact Assessment

Regulations. As such it is considered that further information is required before a favourable recommendation can be made in relation to landscape and visual impact matters.

6.2.5 Further information is required in relation to the provision of information on the approach to and the assessment of cumulative landscape and visual effects and confirmation that the assessments of landscape effects are carried out in accordance with the LVIA methodology

6.2.6 With consideration to the issues raised in the paragraphs above it is considered further information as discussed is required before this application is considered to be in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD12 and MD13 of the SAMDev and the National Planning Policy Framework on this matter.

6.3 **Drainage**

6.3.1 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),

6.3.2 Whilst it is noted the application form in support of the application indicates the site area as being 0.95 of an hectare, no provision has been given for 'roaming areas' as part of the application and site area. Whilst strictly speaking the land is currently in and will remain in agricultural use, development in relation to 64,000 birds is considered far more intensive development than the current agricultural use and bird droppings need to be seriously considered as part of ammonia impact assessments etc. Also with the fact that development as proposed represents Schedule one development a flood risk assessment in support of the application is considered necessary. (The Council's pre-application advice indicated a flood risk assessment as being necessary).

6.3.3 In consideration of flooding and drainage issues it is considered the application lacks sufficient information on which basis to adequately consider the application.

6.4 **Public highways and transportation**

6.4.1 The applicants Environmental Statement in support of the application refers to vehicle movements in relation to the development, no specific transport assessment accompanies the application. Pre-application advice in relation to the proposal to the applicants referred to the requirement for a transport assessment in support of any formal application.

6.4.2 No formal response has been received from SC Highways Manager. In response to a previous application, SC Highways responded indicating although, the general principle of the proposed development is acceptable, from a highways and transport perspective. It is considered that the applicant has not considered the adjacent highways and traffic situation or the interaction of traffic/pedestrian/active travel movements along the unclassified highway between the site access and the A49 junction sufficiently. To adequately demonstrate that the development is unlikely to have an adverse impact on the local highway situation. It is noted that a previous planning application for a single poultry unit,

required the construction of a suitable passing place in the vicinity of the A49 junction. This application has not included any reference to the successful completion of the previous planning obligation. This development proposal is likely to increase traffic movements significantly, approximately tripling general service movements. Subsequently, these additional movements will influence the unclassified road. Therefore, it is incumbent on the developer/applicant to provide suitable mitigation for these additional movements and potential conflicts with existing users along the unclassified road. It is considered that a minimum of two additional passing places should be sufficient. As well as evidencing the competition of the original passing place required by planning consent 18/04465/FU

6.4.3 On public highway and transportation issues the application is considered to lack sufficient information and therefore does not comply with the requirements of policy CS6 of the Shropshire Core Strategy and Policy MD2 of the SAMDev and the considerations of the National Planning Policy Framework on this matter,

6.5 Ecology

6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist and Natural England.

6.5.2 The NPPF in paragraph 174 indicates: The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

6.5.3 Paragraph 179 indicates: To minimise impacts on biodiversity and geo-diversity, planning policies should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.

6.5.4 The SAMDev Plan policy MD12 states: In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved by:

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

- i. the special qualities of the Shropshire Hills AONB;
- ii. locally designated biodiversity and geological sites;
- iii. priority species;
- iv. priority habitats
- v. important woodlands, trees and hedges;
- vi. ecological networks
- vii. geological assets;
- viii. visual amenity;

ix. landscape character and local distinctiveness.

will only be permitted if it can be clearly demonstrated that:

a) there is no satisfactory alternative means of avoiding such impacts through redesign

or by re-locating on an alternative site and;

b) the social or economic benefits of the proposal outweigh the harm to the asset.

In all cases, a hierarchy of mitigation then compensation measures will be sought

6.5.5 SC Ecology have responded to the application indicating detail on all ecological issues is insufficient and that information submitted regarding ammonia emissions and their effects on designated sites/sensitive habitats is insufficient to be able to demonstrate that the proposed development will not have adverse effects on significant environmental assets, as required by NPPF, MD12 and CS17. Ammonia report. Further to SC Ecology's comments dated 16 September 2021 for an identical application which was subsequently withdrawn, it appears that the same ammonia report has been submitted.

6.5.6 In consideration of the comments received from SC Ecology, this application detail on ecology and biodiversity matters it is considered is insufficient. It is also noted that the SC Tree Manager also raised concerns in relation to detail in relation to trees and ecological issues. As such this application is considered not to comply with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD7b and MD12 of the SAMDev and the NPPF in relation to biodiversity issues.

6.6 Residential amenity and manure management

6.6.1 The proposed development indicates the total number of birds on site as 64,000. This is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting, (EP), (England and Wales) Regulations (EPR) 2010 and as such the site will be subject to a permit issued and monitored by the Environment Agency. The usual statutory nuisance legislation in relationship to these matters as applied by the Council's Regulatory Services is of course still relevant.

The Council's Regulatory Services in response to the application has indicated that an odour management plan should be submitted which details all methods engaged and best practice to reduce odour and complaint response protocols. The installation appears to exceed 40,000 birds and as such the Environment Agency should be engaged for environmental permit

Pre-application advice given by the Council in relation to this proposal referred to the need for consideration to manure management as well as consideration to noise issues and the requirement for a noise impact assessment. Whilst the Environmental Statement in support of the application does refer to noise issues, detail is considered insufficient on this matter.

In relation to residential and amenity issues the application is considered insufficient in detail and thus not in accordance with Policy CS6 of the Shropshire Core Strategy, Policy MD2 of the SAMDev and the National Planning Policy Framework on this matter

Other matters

Defence Infrastructure Organisation, (MOD), have responded to the application indicating no objections and this is noted.

7.0 CONCLUSION

The proposal is for the erection of two free range poultry houses with feed bins and ancillary equipment for the housing of up to 64,000 egg laying birds on site. It is on the basis of this number of birds that this application has been considered.

The development is considered significant in scale and will have a significant impact on the local landscape and clearly meets the thresholds of EIA schedule 1 development.

It is considered that the application lacks sufficient detail on which basis to make a positive recommendation as it is considered the application lacks sufficient detail on many planning matters as outlined in this report.

As such the recommendation is one of refusal as the application falls well short of EIA Regulations 2017 and does not comply with Policies CS5, CS6, CS13, CS17 and CS18 of the Shropshire Core Strategy, Policies MD2, MD7b, MD12 and MD13 of the SAMDev and the National Planning Policy Framework.

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

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

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

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

8.2 Human Rights

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

County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

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

RELEVANT PLANNING HISTORY:

NS/03/01020/FUL Change of use of agricultural building to business for retail of saddlery, equestrian and animal equipment with associated parking provision WDN 6th November 2003

NS/03/01149/FUL Change of use of building to retail of saddlery, equestrian and animal equipment to include car parking area CONAPP 30th January 2004

NS/07/00474/FUL Proposed erection of agricultural building CONAPP 11th June 2007

NS/08/01541/FUL Proposed erection of a agricultural building for the housing of cattle CONAPP 13th October 2008

NS/84/00360/FUL Erection of an extension 30' x 45' to existing building for the storage of fertilizer. GRANT

NS/84/00361/FUL Erection of a beef rearing building (30' x 60') . GRANT

NS/87/00536/FUL Erection of cattle building (60' x 90'). GRANT

15/01323/FUL Change of use of agricultural land to a non permanent track for remote controlled cars (for specific events and club use); to include temporary car parking GRANT 3rd June 2015

15/01590/PMBPA Application for Prior Approval under Part3, Class MB of the Town & Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 for the Change of Use from Agricultural Use to Residential REN 24th June 2015

16/01380/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use PAR 2nd June 2016

16/03456/FUL Erection of stable block and construction of manege to include change of use of land to equestrian use GRANT 25th November 2016

16/03606/FUL Erection of an extension to existing Cattle Shed GRANT 26th September 2016

16/05685/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use PPPMBZ 13th March 2017

17/02125/FUL Erection of agricultural building GRANT 29th June 2017

17/03365/DIS Discharge of Conditions 3 (Ecology), 4 (Highways), 5 (Surface water drainage) relating to Planning Permission 16/03456/FUL for the erection of Stable Block and Construction of Manege to include change of use of land to equestrian use. DISAPP 8th November 2018

17/03366/DIS Discharge of Conditions 3 (Landscaping), 4 (External roofing materials) and 5 (Surface water drainage) relating to Planning Permission 17/02125/FUL for the erection of Agricultural Building DISPAR 3rd October 2017

PREAPP/17/00591 Construction of a 32,000 bird free range layer shed, feed bins, ancillary equipment and alterations to access PREAIP 18th December 2017

18/02972/FUL Change of use of agricultural land to a track for remote controlled cars (for specific events and club use) to include car parking GRANT 17th August 2018

18/04465/FUL Erection of free range poultry laying unit (32,000 birds) with 3No. feed bins and ancillary equipment; alterations to existing access GRANT 18th March 2019

19/01978/DIS Discharge of Condition 3 (Landscaping) and 4 (Passing places) relating to Planning Permission 18/04465/FUL DISAPP 24th June 2019

PREAPP/20/00130 Proposed 2no. 24,000 free range bird poultry units PREAIP 21st May 2020

20/05194/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the installation of two 75kW biomass boilers GRANT 9th February 2021

21/03061/FUL Erection of two free range poultry houses with feed bins and ancillary equipment

WDN 22nd September 2021

21/05985/EIA Construction of two free range poultry houses with feed bins and ancillary equipment PDE

NS/02/00709/MIN Use of two existing portal frame buildings for cardboard waste recycling enterprise NOBJ 3rd September 2002

NS/93/00242/PN PRIOR NOTIFICATION FOR THE ERECTION OF A BARN FOR THE STORAGE OF HAY AND STRAW (23.07 M X 15.38M X 6.76M HIGH) PDDEV 26th March 1993

NS/95/00254/FUL ERECTION OF A SILAGE BUILDING APPROXIMATELY 36.57M X 24.38M X 8.38M HIGH CONAPP 27th February 1995

NS/97/00259/FUL ERECTION OF A STABLE BLOCK (15.240 M X 4.725 M X 3.500 M HIGH) CONAPP 15th July 1997

NS/97/00260/FUL ERECTION OF A CONSERVATORY ON REAR ELEVATION OF EXISTING DWELLING CONAPP 21st April 1997

NS/97/00261/FUL ERECTION OF AN EXTENSION TO EXISTING CATTLE BUILDING CONAPP 15th July 1997

Appeal

15/02302/REF Application for Prior Approval under Part3, Class MB of the Town & Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 for the Change of Use from Agricultural Use to Residential DISMIS 23rd November 2015

11. Additional Information

[View details online:](#)

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| 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 |
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| Local Member Cllr Simon Jones |
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| <u>Committee and Date</u> |
| Northern Planning Committee |
| 29 th March 2022 |

| |
|-------------|
| <u>Item</u> |
| 8 |
| Public |

Development Management Report

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

SCHEDULE OF APPEALS AS AT COMMITTEE 29th March 2022

Appeals Lodged

| | |
|-----------------------------------|---|
| LPA reference | 21/01301/PMBPA |
| Appeal against | Refusal against PD Rights |
| Committee or Del. Decision | Delegated |
| Appellant | DM and K J Morris |
| Proposal | Application for prior under Schedule 2 Pt3 Class Q of the Town and Country Planning Order 215 for the conversion of agricultural building to a dwelling |
| Location | Upper Fenemere Farm Myddlewood Myddle |
| Date of appeal | 27.10.2021 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|---|
| LPA reference | 20/03270/FUL |
| Appeal against | Appeal Against Refusal |
| Committee or Del. Decision | Delegated Decision |
| Appellant | Mrs V Hughes |
| Proposal | Erection of 5No. detached dwellings and garages, construction of access and associated infrastructure (re-submission) |
| Location | Land Off Red Barn Road Off Longden Road Shrewsbury |
| Date of appeal | 22.10.2021 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|---|
| LPA reference | 21/02213/FUL |
| Appeal against | Appeal Against Refusal |
| Committee or Del. Decision | Delegated Decision |
| Appellant | R & C Clarke & Francis |
| Proposal | Erection of one dwelling including provision of access and amenity space (paragraph 79) |
| Location | Proposed Dwelling To The South Of Fitz Shrewsbury |
| Date of appeal | 23.12.2021 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

Appeals Determined

| | |
|-----------------------------------|--|
| LPA reference | 20/05112/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | |
| Appellant | Mr and Mrs Bradley |
| Proposal | Use of existing timber lodge as holiday accommodation and siting of temporary dwelling to allow owners of the land to live on site |
| Location | Wollerton Meadows Wood Lane Wollerton |
| Date of appeal | 23.06.2021 |
| Appeal method | Hearing |
| Date site visit | |
| Date of appeal decision | 08.02.2022 |
| Costs awarded | |
| Appeal decision | |
| | DISMISSED |
| | |

| | |
|-----------------------------------|--|
| LPA reference | 19/06529/ENF |
| Appeal against | Material COU and Operational development |
| Committee or Del. Decision | |
| Appellant | Mr & Mrs Michael & Sharon Bailey |
| Proposal | Alleged breach of Planning Control in relation to the siting of a 2nd mobile home, change of use of building to dog kennels and erection of an advertising sign on A53 grass verge |
| Location | Fordhall Grange Stud Longford Market Drayton Shropshire TF9 3PR |
| Date of appeal | 28.07.2021 |
| Appeal method | Written Representation |
| Date site visit | 16.11.2021 |
| Date of appeal decision | 07.03.2022 |
| Costs awarded | |
| Appeal decision | Dismissed |

| | |
|-----------------------------------|--|
| 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 |
| Date of appeal | 02.12.2021 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | 17.02.2022 |
| Costs awarded | |
| Appeal decision | ALLOWED |
| | |

| | |
|-----------------------------------|--|
| LPA reference | 21/00156/VAR |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mr Martin Cheese |
| Proposal | Variation of condition 3 to allow for a design on approved materials |
| Location | Land at Rosehill Road Stoke Heath |
| Date of appeal | 13.12.2021 |
| Appeal method | Written Representations |
| Date site visit | 02.02.2022 |
| Date of appeal decision | 15.03.2022 |
| Costs awarded | |
| Appeal decision | ALLOWED |



Appeal Decision

Hearing Held on 8 February 2022

Site visit made on 8 February 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2022

Appeal Ref: APP/L3245/W/21/3277620

Wollerton Meadows, Wood Lane, Wollerton TF9 3NY

- 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 J Bradley against the decision of Shropshire Council.
 - The application Ref 20/05112/FUL, dated 3 December 2020, was refused by notice dated 30 April 2021.
 - The development proposed is use of timber lodge as holiday accommodation and siting of temporary dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have determined the appeal on this basis.
3. The timber lodge which is within the application is already present on the site albeit the appellants are currently residing within it. It was advised at the hearing that its construction was funded out of the savings of the appellants. The temporary dwelling would be sited a short distance to the west and would also be provided in the form of a timber lodge.
4. Notwithstanding the description of the proposal, it was clarified at the hearing that it was not the intention of the appellant to seek the siting of the dwelling on a temporary basis. It was however stated that they would accept a temporary permission were I to deem that acceptable.

Main Issues

5. The first main issue is whether there is an essential need for a rural worker to live at Wollerton Meadows. The second is whether the provision of a self-catering timber holiday home is justified having regard to the countryside location. The third is the effect of the existing timber lodge, the proposed temporary dwelling and the access driveway on the character and appearance of the area.

Reasons

6. Wollerton Meadows sits within the Countryside to the north of Wood Lane. The land within the ownership of the appellants extends to just over 15 acres, them having retained this land upon the sale of Wollerton Grange farm, which they previously owned. A Caravan Cub CL site (CL site) (a small 5 caravan site) which was previously set up forms part of the site. I was also advised at the hearing that the appellants have use of a further 25 acres of land off-site at Fauls Green, on an informal basis.

Planning policy context

7. The development plan is the basis on which decisions are made, with the 2004 Act¹ stating that determination must be made in accordance with the plan unless material considerations indicate otherwise.
8. Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy (2011) (CS) amongst other things relates to development within the Countryside. Amongst other things, in relation to dwellings to house agricultural or other essential countryside workers applicants are required to demonstrate the need for the development.
9. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev) states that in relation to dwellings to house essential rural workers, relevant financial and functional tests should be met. It requires demonstration that the business is viable in the long term and that the cost of the dwelling can be funded by the business.
10. SPD² guidance is also relevant. Part 3.2 suggests that applicants will be required to demonstrate that a dwelling at the business is essential by showing a functional need for the occupier to be present at the business for the majority of the time (time being 24 hours a day, 7 days a week).
11. Paragraph 80 of the Framework³ states that planning policies and decisions should avoid the development of isolated homes in the countryside unless, amongst other circumstances, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. It was agreed at the hearing that this part of the Framework is applicable to the site.
12. MHCLG guidance⁴ on rural housing offers advice when applying paragraph 80(a) of the Framework. Amongst other things, it suggests such considerations include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of a land-based rural enterprise and the degree to which there is confidence over the future viability of the enterprise.
13. The requirements of policies CS5 of the CS, MD7a of the SAMDev and the SPD are therefore broadly reflective of those within the Framework, which forms an important material consideration in the determination of this case.

¹ Planning and Compulsory Purchase Act 2004, s38(6).

² Shropshire Local Development Framework Type and Affordability of Housing Supplementary Planning Document (SPD) September 2012.

³ National Planning Policy Framework 2021.

⁴ Ministry of Housing, Communities & Local Government - Advice on planning for the housing needs of different groups - Paragraph: 010 Reference ID: 67-010-20190722.

Essential need – the necessity for a rural worker to live at Wollerton Meadows

14. Agricultural activities that relate to the current enterprise date from February 2019 when the appellants sold Wollerton Grange Farm and moved into a lodge which was constructed on the retained land in March 2019.
15. Along with a small number of breeding hens, the main farming activities revolve around cattle and sheep in the form of 12 pedigree long horn cows with calves at foot and 75 breeding ewes. In terms of the tourism related activity, the CL site has been in operation since 2015.
16. I understand that stock will sometimes require assistance, especially when calving and lambing. However, it was discussed at the hearing that lambing is generally focused on the months of March/April. Whilst it was suggested the period within which calves could arrive would be slightly more expansive, possibly covering the summer as a whole, the arrival time of the calves is deduced from the period with which the heifer/cow has been placed with a bull. If this could be controlled, it would therefore appear possible to plan for the arrival of the calves within a more focused period.
17. Further, given the limited head of cattle and sheep, it follows that the rate at which problems would likely occur during calving and lambing would also be relatively low.
18. Given the level of livestock on the site, there is nothing to indicate that on site presence is required around the clock at all times of the year. If there was a requirement to be at the site around the clock this may be seasonal only. There is nothing to indicate that the matters which will require attending to could not be attended to by travelling to the site or potentially through looking into seasonal provision.
19. In relation to the tourism activities, it is suggested that the appellants need to be on site to manage the CL site appropriately. However, it appears that incidents of anti-social behaviour requiring immediate action from the appellants have been few and far between.
20. At the hearing I was also made aware of issues with the electric supply to the CL site. However, I am not convinced that the appellants would necessarily need to be on hand to instigate the re-set to the electric supply were the circuit to trip. I also can't rule out that some kind of equipment upgrade could address the problem.
21. Whilst help with caravans is no doubt appreciated by some guests, I see no reason why, for example, that such help could not be pre booked in advance on the occasions it was required.
22. Whilst I understand that some of those that visit the CL site will no doubt appreciate an on-site presence, nothing indicates that such a presence is essential, particularly given the limited number of caravans that are on site at any one time. There is nothing compelling within the evidence to suggest that the tourism enterprise would be susceptible to security concerns to the extent that it would justify the permanent presence of a dwelling on site.

23. I can see no reason why an on-site presence would be required to manage the timber holiday lodge as holiday lets are generally managed remote from the site with attention generally required only on specific pre booked changeover days when cleaning etc would be required between stays. General maintenance could be undertaken by travelling to the site.
24. I am not satisfied that a worker would need to be on the site at most times on a year-round basis. Further, I have not been provided with any calculations as to the man hours which are required to run the various aspects of the enterprise and it is therefore not possible for me to conclude that the work that needs to be undertaken on the site equates to a full-time occupation for either of the appellants.

Essential need – viability

25. I was provided with a profit and loss account at the hearing, the most recent for the year ended 31 March 2021. Whilst little commentary was provided on these accounts at the hearing it is noted that the 2021 figures identify a net profit of only £3,316. This is a low figure, which appears to indicate that the business at its current scale makes a very limited profit, which raises concern about its viability.
26. An income/costs/profits forecast has also been provided. This includes income from the provision of the lodge currently on the site as holiday accommodation (estimated at £20,280 per annum) yearly profits are identified at £29,639.
27. However, the projections make no account of the cost of the construction of the second lodge, which would form the appellants dwelling. At the hearing it was suggested that the cost of the second lodge was anticipated to be in the region of £80,000-£100,000, some of which would have to be funded from loans. Any such deductions would be likely to materially cut the anticipated profits arising from the business.
28. It is not clear that the dwelling could be funded by the business as required by Policy MD7a of the SAMDev, whilst the need to fund the new dwelling would also detract from the ability of the business to provide wages for the appellants which are not accounted for within either the profit and loss account or the projected figures.
29. Further, the appellants advised that there was no intention to further develop the business on the site. There does not therefore appear to be any scope for the business generate increased levels of profit and there would be no justification for a temporary permission on the basis that the business could further establish.

Conclusion – essential need

30. There is no firm evidence that a home for a rural worker is required to support the proper functioning of the smallholding around the clock at all times of the year. The evidence also fails to persuade me that the enterprise is or would be economically viable. The proposal therefore fails to accord with Policy CS5 of the CS, Policy MD7a of the SAMDev and the SPD guidance.
31. The proposal also fails to accord with Paragraph 80(a) of the Framework which states that planning decisions should avoid the development of isolated homes in the countryside unless, among other circumstances, there is an essential

need for a rural worker, to live permanently at their place of work. Although the appeal should be determined against the development plan, this weighs further against the proposal.

Self-catering timber holiday home and countryside location

32. The approach to tourism within Shropshire was discussed at the hearing. The approaches as outlined within policies CS5 and CS16 of the CS and MD11 of the SAMDev effectively seek to balance the acknowledged importance of tourism for the county with protecting its intrinsic natural and built qualities. One key theme is that tourist development should be sustainable.
33. In relation to visitor accommodation in rural areas, Policy MD11 of the SAMDev states that holiday let development that does not conform to the legal definition of a caravan will be resisted in the countryside following the approach to open market residential development in the countryside under Policy CS5 of the CS and MD7 of the SAMDev. These policies broadly seek to strictly control such development in the countryside. Policy MD7a of the SAMDev states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.
34. The concept of whether the timber lodge that would be used as tourist accommodation meets the legal definition of a caravan was briefly discussed at the hearing. However, no evidence is before me that it would meet this definition. Further, it was detailed at the hearing that the lodge was constructed in situ at the site, over a period of one month. Nothing indicates that it would have any degree of mobility given its method of construction, which suggests a degree of permanence.
35. There was however agreement that the site would be located within the countryside. The site would be some distance from the nearest services and facilities and bus services which would provide access to services and facilities would have to be accessed at least partially along unlit roads with no footpath. This would limit the potential for walking, cycling or the use of the bus services particularly during the darker months or in periods of inclement weather.
36. The site would not be the accessible location emphasised by Policy CS16 of the CS. I was made aware that Hodnet Hall is a popular tourist attraction with guests at the site. However, the site is not especially close to this attraction. It could also not be considered close to or within a settlement and therefore has limited sustainability given that guests would have a high reliance on a private vehicle to reach attractions, services and facilities.
37. The timber lodge would not therefore form the sustainable tourism development that is sought. The proposal would therefore conflict with Policy CS16 of the CS and Policy MD11 of the SAMDev.

Character and appearance of the area

38. The existing lodge is set well back within the site and is largely screened from the road and surrounding fields by the robust boundary planting, such that its presence would not readily be apparent from outside of the site. Whilst the new lodge would be set closer to the road, the resultant visibility would not be significantly different.

39. It was confirmed that the site does not fall within any special landscape designation and the area is characterised by fields interspersed by occasional dwellings and farm buildings, tracks, and accesses of the road along with the existing CL site. The access track has an extremely limited land take within the context of the wider site.
40. With these matters in mind, the proposals have not and would not adversely affect the character and appearance of the area. In relation to this particular aspect, the proposals therefore do not and would not conflict with policies CS5, CS6 and CS16 of the CS, nor policies MD2, MD7a, MD7b or MD11 of the SAMDev.

Conclusion

41. There is no indication that the proposal should be considered other than against the development plan, with which it would conflict. The appeal is therefore dismissed.

T J Burnham

INSPECTOR

APPEARANCES

APPELLANTS:

Mr and Mrs J Bradley

FOR THE APPELLANTS:

Mandy Seedhouse

Berrys

FOR THE LOCAL PLANNING AUTHORITY:

Richard Denison

Shropshire Council



Appeal Decision

Site visit made on 16 November 2021

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2022

Appeal Ref: APP/L3245/C/21/3276984

Fordhall Grange Stud, Longford, Market Drayton, Shropshire TF9 3PR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Fordhall Grange Stud against an enforcement notice issued by Shropshire Council.
- The notice, numbered 19/06529/ENF, was issued on 27 May 2021.
- The breach of planning control as alleged in the notice is Without planning permission:
 - i. The material change of use from private equestrian to mixed use for private and commercial equestrian, agriculture, dog breeding and keeping, open storage and the siting of two static caravans and one touring caravan on land for human habitation in the approximate locations marked with an 'C2', 'C3' and 'T1' on the attached plan
 - ii. Operational development to erect 4 buildings for stables and housing of animals approximate locations marked with an 'U', 'V', 'X' and 'Y' on the attached plan, and one partially built structure approximate location marked with an 'Z' on the attached plan.
 - iii. Operational development (engineering works) to increase the size of the riding arena approximate location marked with an 'A' on the attached plan.
- The requirements of the notice are to:
 1. Cease the use of the Land for commercial equestrian, residential purposes, agricultural, open storage and dog keeping and breeding; and
 2. Remove from the Land, the static caravans located in the approximate positions marked with an 'C2', 'C3' on the attached plan and all equipment, services and connections (including gas container), storage containers, soft and hard landscaping (including hardstanding), domestic cars and domestic paraphernalia in connection with the use of the static caravans for residential purposes; and
 3. Remove from the Land, the touring caravan located in the approximate position marked with an 'T1' on the attached plan; and
 4. Dismantle and demolish the four buildings in the approximate positions marked 'U', 'V', 'X' and 'Y' on the attached plan, including all hardstanding, services and one building partially erected in the approximate positions marked 'Z' on the attached plan, including all hardstanding, services; and
 5. Remove from the Land all materials and waste arising from the completion of works in 4 above, to a site licenced and suitable to receive these items;
 6. Removal from the Land all open storage items including by not limited to 4 scrap/old vehicles, tyres, scrap agricultural machinery and items, scrap metal and timber materials, fridges, blue plastic containers (drums), skip, bricks, wood, builders' bags; and
 7. Reduce the size of the riding arena (ménage)(sic) to 40m by 20m with the siting as approved on application 10/02112/FUL; and
 8. Reinstate the Land to its former levels and condition before the unauthorised development occurred.
- The periods for compliance with the requirements are:
 - i. 6 months after this notice takes effect to comply with 1, 3, 4, 5, 6 and 7
 - ii. 8 months after this notice takes effect to comply with 2 and 7.

- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended (the Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. It is directed that the period for compliance with the requirements "ii. 8 months after this notice takes effect to comply with 2 and 7" is deleted and substituted with "ii. 8 months after this notice takes effect to comply with 2 and 8".
2. Subject to this correction, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Matters concerning the notice

3. Under "The periods for compliance with the requirements", Step 7 is referred to twice and there is no reference to step 8, which requires that the land is restored to its former levels and condition before the unauthorised development occurred. I consider that, in accordance with my powers under section 176(1)(a) of the 1990 Act, this error on the notice can be corrected without any injustice to either party because it is plainly a typographical mistake.

Preliminary Matters

4. The Council considers that the partially built agricultural building, which was granted consent¹ on 14 July 2010, was not implemented within the 3 year time period and consequently is unlawful. The evidence provided by the Council states that works to implement the building did not occur until some time after 14 July 2013 which was three years from the grant of the express planning permission. Steps 4 and 5 on the notice require that this building is demolished and removed from the site. This stance appears not to be refuted by the appellants.

The appeal on ground (a) and the deemed planning application

Main Issues

5. These are: whether, having regard to the aims of national and local planning policies, there is an essential need for a rural worker to live permanently at the site; the effect of the development on the character and appearance of the area; and highway safety with regard to the access.

Background

6. The appeal site is approx. 4.5ha (11 acres) of level grassland which is rectangular in shape and lies to the north of the A53 in a countryside location to the southwest of Market Drayton. The site is accessed off a narrow lane which joins the A53 at Fordhall Junction.
7. Change of use of agricultural land to accommodate a stable block, exerciser and manège was granted by notice dated 14 July 2010² subject to two

¹ 10/02115/FUL Erection of an agricultural storage building.

² Application under Section 73A of the Town and Country Planning Act 1990

conditions which allowed for private equestrian purposes only and required express planning permission for floodlights. The stable block was to provide accommodation for 12 horses solely for the use by the applicant and the development included the horse walker and riding arena measuring 20 by 40 metres surrounded by timber post and rail fence.

8. In 2016 a temporary 3 year permission³ was granted for the siting and use of a mobile home for residential purposes to support the fledgling commercial equine business which was described at the time as the breeding of high-quality sports horse, studding ponies, schooling for horses and 2 DIY liveries. The consent was granted on the basis that the appellants had demonstrated a functional need to live on site to provide adequate care and welfare for the horses. It was on a temporary basis to allow the appellants time to demonstrate whether there was a business which could sustain the need for a permanent dwelling on site. This consent expired on 17 June 2019.

Reasons

Essential need

9. The appeal site is located within an area that does not fall within any identified settlement or the development boundary. It is also not part of any allocated development site, hub or cluster set out in the development plan.
10. National planning policy relating to essential workers' dwellings is set out in the 2021 National Planning Policy Framework⁴ (the Framework). This states that the development of isolated homes should be avoided unless they meet certain criteria. Those criteria include where "there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside." The Planning Practice Guidance⁵ provides those relevant considerations could include evidence of the necessity for a rural worker to live at or in close proximity to their place of work and the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.
11. At a local level, Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy 2011 (CS) advises that new development will be strictly controlled in accordance with national planning policies including protecting the countryside. It sets out the exceptions, where proposals maintain and enhance the countryside vitality and character where they improve the sustainability of rural communities. This includes "dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing / accommodation to meet a local need". The exceptions require applicants to demonstrate the need and benefit for the development and expects it to take place primarily in recognisable named settlements or be linked to other existing development and business activity.
12. It requires relevant financial and functional tests to be met. The Council's Type and Affordability of Housing Supplementary Planning Document 2012 (SPD), which is a material consideration to which I attach substantial weight, recognises that rural based enterprises sometimes require workers to live on or

³ 16/01232/FUL Retention and continued use (3 years) of a mobile home and adjoining residential curtilage at the existing equestrian holding. Granted by notice dated 16 June 2016.

⁴ Paragraph 80

⁵ Planning Practice Guidance 67-010-20190722

near the site. The business case needs to demonstrate a functional need for the occupier to be present at the business for the majority of the time. In accordance with Policy MD7a of the Site Allocations and Management of Development (SAMDev) Plan, it also states that permission will not normally be granted if other suitable buildings or dwellings on the site have been sold off in the last 3 years or if the need could be accommodated by existing buildings, dwellings on site or by suitable and available affordable dwellings nearby.

13. The appellant's submissions provide that they purchased the site in 2001 where they initially housed and managed their own animals, while living in Market Drayton. In 2006 the breeding of horses commenced with a small number of animals bred on site and the first foal sold in 2008. However, the planning application submissions and design and access statements provide that a commercial enterprise at the site began in 2014 and in 2015 the residential use of the mobile home commenced. I note that the justification for the retention of the mobile home in 2016 was to support an identified business opportunity which "predominantly involves the breeding of high quality and high value Thoroughbred cross Warmblood Sports Horses that excel in a number of equine disciplines⁶".
14. However, it appears that the proposed business of breeding high value horses has not been established and that instead the site has become home to various other activities. The breeding programme is said to have intensified across a range of breeds; Sports Horses, Welsh Mountain, Section A Ponies and Falabellas (Toy horses) with a private foaling service having been introduced alongside the equine business with schooling and livery facility. At my visit, I observed horses in the fields, ponies in the stables, riding taking place within the manège, several goats, ducks, chickens and geese on the land and 9 Spaniels kept in a pen which, I was informed were working dogs. One of the stables housed German Shepherd dogs. I could not see them but was told there were 11 and they were kept for security purposes. The appellants deny the breeding of dogs at the site in many of their submissions. However, the design and access statement to accompany the 2019 application states that "more recently, the breeding and rearing of rare breed cattle, poultry and dogs has been introduced to the site, although these activities remain ancillary to the principal equine use of the land".
15. The appellant considered that being an "acknowledged business", there was no formal requirement to further justify the activity. Nevertheless, following repeated requests from the Council, the appellants provided accounts for the years 2017 to 2020. However, these are not verified by an accountant, and they are not of sufficient detail to fully understand what aspects of the business generated an income. The Council's agricultural consultant⁷ (the Consultant) assessed the current use of the site, the impact of Covid 19 and the previous use of the site. It concluded that the business was not economically viable, and it was not clear there was an existing essential need for a worker to reside at the site.
16. The appellants' submissions cite the 2016 application as establishing the need for a resident worker on the site and that security and 'on-call' availability for horses foaling continues that need. Whilst the protection of horses from theft or injury by intruders may contribute on animal welfare grounds to the need for

⁶ Business Appraisal – Halls Holdings March 2016

⁷ Kernon Countryside Consultants Ltd

on-site accommodation, it is not by itself sufficient to justify one. Furthermore, although there is no submitted information regarding the numbers of foals that have been born at the site, it seems to me that foaling is relatively predictable and unlikely to require a continual 24 hour presence. Furthermore, Mrs Bailey's work pattern would not enable 24 hour presence on site.

17. The Consultant's report found that although the accounts showed that the enterprise was currently profitable, the rise in profit was prior to any costs for labour. To cover the level of predicted labour, the business would need to be generating a profit of more than £50,000 before labour, to provide at least £20,000 per full-time worker. Furthermore, the Consultant's report found the Business Plan set out very ambitious suggested income sources, such as for the Welsh section A and Falabella stallions generating a collective income of £0.25 million to £0.375 million, which it was viewed as 'unlikely to be achievable'. The business has been operating for several years, yet it does not generate profits sufficient to cover the labour requirement. Mrs Bailey remains in full-time employment, albeit on a shift pattern, covering 39 hours a week and Mr Bailey relies on an income from self-employed contracting work. The Council also found the appellants retained ownership of a residential property
18. Furthermore, the size of the land holding offers a constraint to the scale and nature of business which can operate from the premises and the business is limited by the number of animals which can be sustained by the amount of available land within the holding. The rule of thumb is that 1.25 to 2.5 acres is required per horse without the need for extra feed. The appellants say they rent a further 5 acres of land within 0.5 miles of the site and that further land would be sourced elsewhere to accommodate the growing business. However, there are no details provided to indicate where this additional 5 acres is or where it may be possible to source additional land nearby.
19. There is evidence before me about the future development of the stud in business plans dated May 2021 and October 2021⁸ which have been produced to accompany planning applications for the site. These documents suggest differing long term plans, the later being based on what seems to be the initial business aims for the site for the breeding of higher value, higher quality horses. Whilst that may be the ambitions of the appellants, the site has seemingly been operating as a commercial venture for some time, during which time it has not provided an income to allow Mrs Bailey to resign from her full time job or even cut her hours. Furthermore, the Council has provided information from Land Registry dated April 2021 to show that the appellants retain a residential property approximately 1.2km from the site.
20. Overall, I consider that it has not been demonstrated that there is an essential need for a rural worker to live permanently on this site or the benefits that the development would bring. The enterprise is no longer in its early stages and in the absence of detailed accounts that include full costs, including wages, and sources of income I cannot be certain that the financial information is an accurate or reliable indication of the viability of the enterprise for the foreseeable future. In this respect, the development is contrary to Policies CS5, CS6 and CS11 of the CS, Policies MD2 and MD7a of the SAMDev Plan and guidance contained within the SPD. These policies are consistent with the aims

⁸ Produced by Christy Kilgour, Kilgour & Co Limited

and objectives of the Framework, and as such the development would be at odds with it.

Character and appearance

21. The appeal site currently consists of flat, open land and is bound by fencing and hedgerows. Its developed nature spreads from the site entrance and consists of a mobile home to the south of the access, with associated driveway, storage containers, a row of small makeshift stables, a horse walker, a lunge pen, an L-shaped stable block, a manège, 3 smaller animal shelters, a horse shelter and a partially constructed agricultural shed which housed the second mobile home referred to by the notice, but which was not on site at the time of my visit. In addition to the structures, there is openly stored agricultural machinery and other materials, parked vehicles including a touring caravan, horse lorry and general domestic paraphernalia.
22. The remaining land is of an open, undeveloped character. It does not contain any significant buildings or structures and is subdivided for grazing by fencing. The development is prominent in the landscape due mainly to the low lying nature of the surroundings and the absence of significant mature landscape buffers in the form of hedgerows and trees. The A53 runs parallel to the appeal site and allows for longer views towards the site. The site and its immediate surroundings are of a general rural character. The development within the site has extended across the land, eroding the undeveloped nature of the surroundings. It appears as a visual encroachment into open countryside, which is not sensitive to its surroundings.
23. The additional buildings, the siting of a residential mobile home, the significant extension of the manège and the open storage have led to a sprawl of development on this visually prominent site, and this has a negative impact on the rural landscape. For the reasons given above, I conclude that the mixed use of the site and the associated development fail to maintain and enhance the countryside vitality and character. The development is contrary to Policies CS5, CS6, and CS17 of the CS, and Policies MD2 and MD7b of the SAMDev, which seek to manage development in the countryside and ensure that it respects its context and reinforces the character within which it is set.

Highway safety

24. The site entrance was originally approved for agricultural purposes and was considered acceptable in 2010 for the private equestrian use. However, the commercial use of the site, within the deemed planning application, will have the potential to increase traffic using the site. I saw at my visit the inadequacy of the site access arrangements particularly regarding the available space whilst waiting to enter the site and the poor visibility on exit.
25. The Council consider the site access not to have a satisfactory access geometry, visibility splays, approach route and parking and turning arrangements within the site. Furthermore, there is concern over the adequacy of the unclassified road between the A53 and the site entrance and its junction with the A53. The unclassified road is of single vehicle width with no formal passing opportunity, with a tight junction layout with the A53.
26. Policy CS6 of the CS indicates that development should be designed to be safe and accessible to all. In the absence of information to give an accurate account

of the level and type of traffic movements associated with the various activities on the site, I find that the development conflicts with this policy.

Other matters

27. In its reasons for issuing the notice, the Council referred to insufficient information to demonstrate that any ecological constraints of the site had been adequately addressed.
28. The ecology survey, carried out by Greenscape Environmental (17 May 2021) and submitted by the appellants, found no signs of bats in the stables and no suitable habitat for great crested newts. Pond 1 scored poorly on the HIS assessment and pond 2 could not be accessed. No further surveys were recommended. Consequently, I consider that the development would be compliant with Policy MD12 of the SAMDev Plan which seeks to avoid harm to Shropshire's natural assets.
29. I have read letters of support for the development and acknowledge that the appellants have provided a service that has been appreciated and of benefit to some individuals. However, this level of support does not overcome the harm to the countryside that I have found or the unproven need for the appellants to live at the site.

Conclusion on ground (a)

30. The proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
31. For the reasons given above I conclude that the appeal should be dismissed.

The appeal on ground (g)

32. The appeal on ground (g) is that the period specified in the notice falls short of what should be reasonably allowed.
33. The appellant seeks an extension of time to allow for the determination of a recent planning application, which was estimated as being mid October (2021), and if refused, sufficient time to allow that determination to be appealed. I am not aware if the application has been determined. However, considering the time that has passed, I consider that the compliance periods are reasonable particularly with respect to the harm I have found.
34. Accordingly, the appeal on ground (g) succeeds in this respect.

S A Hanson

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: 17th February 2022

Appeal Ref: APP/L3245/W/21/3281081

The Old Canal Warehouse Building, Moors Lane, St Martins Moor, St Martins, Oswestry SY10 7BQ

- 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 Dr and Mrs Butler against the decision of Shropshire Council.
 - The application Ref: 21/00083/FUL, dated 7 January 2021, was refused by notice dated 12 March 2021.
 - The development proposed is change of use and conversion of the Old Canal Warehouse Building into a dwelling.
-

Decision

1. The appeal is allowed, and planning permission is granted for change of use and conversion of the Old Canal Warehouse Building into a dwelling at Moors Lane, St Martins Moor, St Martins, Oswestry SY10 7BQ, in accordance with the terms of the application ref: 21/00083/FUL, dated 7 January 2021 and subject to the conditions in the schedule at the end of this document.

Main Issue

2. The main issue in this appeal is whether the proposal would provide adequate private internal and external amenity space for future occupants.

Reasons

3. The appeal building is a former 2 storey warehouse located next to the Llangollen branch of the Shropshire Union Canal. It is at a point where a bridge carries the B5069 over the canal. The warehouse is believed to have been approved for construction by the Shropshire Union Canal Company in June 1865. It has a corrugated iron roof and brick walling at ground floor level with timber batten walls above. The Council advises that in terms of policy the building is considered as a non-designated heritage asset. It is within the open countryside, but close to a group of dwellings at Moors Lane. There are bus stops near the site on the B5069 providing links to nearby St Martins with its shops and facilities, as well as further afield to Shrewsbury and Wrexham.
4. The Council has not objected to the design proposals for the building. A structural survey was submitted by the appellants. This confirmed that the building would be suitable for conversion without substantial rebuilding or reconstruction. The report indicated that external insulation would be necessary. The Council has advised that a condition would be required in order to ensure no significant impact on the character and appearance of the building

as a non-designated heritage asset and that insulation, and other external works, could be carried out sympathetically. I see no reason to disagree, because primarily the external appearance of the building would be retained. Subject to a condition, as mentioned above, it could be enhanced in a sensitive manner to reflect the original utilitarian character and appearance of the building.

5. There is a difference between the Council and the appellants regarding the amount of floorspace which would be created by converting the building to residential use. The Council states that the proposed internal living space would be around 27 m² at ground floor level and 18.6 m² at first floor level; i.e. a total of 45.6 m². The appellants have measured the proposed floorspace as 57.87 m².
6. The Council has advised that it has not formally adopted the national space standards for housing, but does refer to them for guidance as well as its *Type and Affordability of Housing* supplementary planning document. Core Strategy policy CS6, amongst other things, requires development to be consistent with national good practice standards. The national space standards indicate a minimum requirement of 50 m² for a single person 1 bedroom property and 58 m² for a 2 person 1 bedroom property. If the appellants' calculations are correct then the minimum floorspace for a 1 person 1 bedroom property would be exceeded. However, if the Council's figures apply, then the property would only be marginally less than the 50 m² requirement by around 4.4 m². The appellants have provided visualisations which demonstrate that a kitchen and living room could be laid out at ground floor level with a bedroom and bathroom at first floor level.
7. The private external amenity space would be limited to a small area of grassland between the appeal building and the canal towpath. This would not normally be acceptable having regard to Shropshire SAMDev Plan policy MD2 which refers to the provision of open space for development, considered holistically, of at least 30 m² per person. It would also conflict with guidance in the Council's *Type and Affordability of Housing* supplementary planning document which indicates that developments must not provide minimal outside amenity space. However, the location would give future occupants direct access to the extensive canal towpath, with its opportunities for walking and visiting facilities along the route.
8. Having regard to the principle of residential development, although the site is in the countryside and not a community hub/cluster designation, Core Strategy policy CS5 indicates that the conversion of rural buildings which take account of, and make a positive contribution to, the character of the building and countryside will be supported. SAMDev Plan policy MD7 provides support for open market residential conversions in the countryside where the building is of a design and form which is of merit for its heritage value, as is the case with the appeal building. Core Strategy policy CS11 aims to ensure that new housing development meets the priorities in national and local housing strategies, meeting general and specialist housing needs. Whilst no specific local need has been identified, and no affordable housing contribution is required, the proposal would still add a small unit to the housing stock through the conversion of an existing building. Taking into consideration the limited

scale of the development, I find no conflict with Core Strategy policy CS11 regarding the type and affordability of housing.

9. Paragraph 80 of the National Planning Policy Framework (the Framework) also advises that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal would meet two of the listed circumstances by involving the re-use of a redundant building and enhancing its immediate setting.

Other Matters

10. The St Martins Parish Council objected to the proposal on the grounds of proximity to the road and canal, and no suitable parking or access for deliveries. However, although the Highway Authority raised concerns it did not object to the proposal, whereby a car parking space would be provided next to the building with access from Moor Lane.
11. The Canal and River Trust welcomed the principle of re-use of the building which could help secure long term use and maintenance of the premises, and stating that it was important that the conversion was sensitive to its historic character. The Trust recommended that further details be submitted in the event of permission being granted regarding the proposed detailing and materials to be used in the elevations and openings, in the interest of safeguarding the character of the historic building. The Shrewsbury & North Wales Branch of the Inland Waterways Association also supported the proposal, providing the character was retained. The appellants submitted a Heritage Impact Assessment with the application which concluded that the proposal would ensure the future of the presently redundant non-designated heritage asset with no significant impact on its character or significance.
12. The building was granted renewed permission for business use in 2013 although this was not implemented, leaving the building disused and subject to deterioration. The appellants submitted a report assessing possible alternative uses, which demonstrated that office, workshop and self-catering accommodation would be very unlikely to be viable.

Conditions

13. In addition to the standard condition for the timescale of development I have included a condition to confirm the approved plans. Conditions requiring the submission of external material samples and details of external services to be attached to the building are imposed in order to ensure that the appearance and heritage value of the building is maintained and enhanced. Conditions are also included to ensure that any protected species are not harmed and that provision is made for bat roosting and bird nesting in the interests of biodiversity. Finally a condition is imposed to avoid any harm to wildlife from external lighting sources.

Planning Balance

14. The proposal is to convert a neglected building which is part of the history of development alongside the Shropshire Union Canal. The proposed residential use would secure the future of the building through a sensitive design approach and would provide a modest unit of accommodation, in accordance with the

approach in development plan policies and the Framework which seek to protect heritage assets.

15. In view of the amount of floor space proposed there is potential conflict with Core Strategy policy CS6 and national good practice standards. The amount of private amenity space would be low, contrary to SAMDev Plan policy MD2 and guidance in the *Type and Affordability of Housing* supplementary planning document. However, I consider that, in the particular canal-side locational and heritage circumstances of this proposal, the benefits of securing the future of the building and providing a small residential unit would outweigh any harm from failing to meet the private amenity space and floor space standards used as guidance and cited by the Council.

Conclusion

16. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be allowed subject to conditions.

Martin H Seddon

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20008 P-01 site location and block plan, p-02 proposed block plan, P-10 proposed floor plans, P-20 proposed elevations shutters open and P-21 proposed elevations shutters closed.
- 3) Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 4) Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.
- 5) Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority), an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the great crested newt reasonable avoidance measures method statement set out in the Ecological Impact Update by Susan Worsfold (June 2020) are adhered to. The ECW shall provide brief notification to the Local Planning Authority of any pre-commencement checks and measures completed on site.

- 6) Where any protected species licences amend previously approved mitigation scheme[s] then a revised updated and amended mitigation scheme, and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out strictly in accordance with the proposed new approved ecological measures and timetable.
- 7) Prior to first occupation/use of the building, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority.
- 8) A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site prior to first use of the development. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.
- 9) Prior to first occupation/use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority.
- 10) A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for house sparrows (32mm hole, terrace design) and swallows (swallow nesting cups) shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.
- 11) 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.

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Appeal Decision

Site visit made on 2 February 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2022

Appeal Ref: APP/L3245/W/21/3282044

Sandy Lane, Stoke Heath, Market Drayton TF9 2LF

- 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 Martin Cheese against the decision of Shropshire Council.
 - The application Ref 21/00156/VAR, dated 12 January 2021, was refused by notice dated 8 March 2021.
 - The application sought planning permission for the erection of 1no dwelling and alteration to existing vehicular access without complying with a condition attached to planning permission Ref 20/02727/FUL, dated 17 September 2020.
 - The condition in dispute is No 3 which states that:
The external materials shall match in colour, form and texture to those specified on the approved drawings.
 - The reason given for the condition is:
To ensure that the works harmonise with the existing development.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 1no dwelling and alteration to existing vehicular access at The Corner Stone, Rose Hill Road TF9 2LF in accordance with the application Ref 21/00156/VAR dated 12 January 2021, without compliance with condition No 3 previously imposed on planning permission Ref 20/02727/FUL dated 17 September 2020 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The site address in the banner heading above is taken from the planning application form however this is not reflective of the address included in the Council's decision notice or the appeal form. The appellant has subsequently confirmed that the Local Authority and Royal Mail have given the appeal site an official address as 'The Corner Stone, Rose Hill Road TF9 2LF'. Given the discrepancies between the submitted documents and this clarification, I have adopted the official address in my formal decision.
3. At the time of my site visit the dwelling was under construction however the development was not yet fully completed. I shall return to this matter later.

Background and Main Issue

4. The original planning permission¹ approved a new dwelling subject to a number of conditions. Condition no 3 specified that the external materials shall be in

¹ Council ref: 20/02727/FUL

accordance with the approved drawings, which indicated the use of brick for the walls. The appellant submitted a variation of conditions application² in order to change the material of the external walls from brick to render. The Council refused this application in the interests of the character and appearance of the rural location.

5. Accordingly, the main issue is whether condition no 3 is necessary with regard to the character and appearance of the area.

Reasons

6. The appeal site is a prominent corner plot in a predominantly rural area. The approved dwelling would be of a considerable scale and mass and, given its siting, would be readily apparent from public vantage. Although there are traditional brick properties in the locality, I nevertheless observed numerous examples of properties within the immediate vicinity and further along Rose Hill Road which were either fully rendered or incorporated rendered elements on their elevations, and some that included the use of timber cladding. Even if these examples were smaller properties than the approved dwelling, they were nevertheless visible in the street scene. Therefore, although brick may be the prevailing material, the area is not without exceptions.
7. Although it is acknowledged that brick may generally be a softer material in appearance, I note that the design of the dwelling includes significant amounts of glazing which would assist in breaking up any perceived substantial expanse of render. The colour of the render has also been specified as off-white which would be more muted and softer in appearance than white. Accordingly, it would not be overly stark. Taking this into consideration and the character of the area, the dwelling would not appear as an incongruous feature in the street scene.
8. Therefore, the use of render on the external walls would not cause unacceptable harm to the character and appearance of the area and would therefore accord with policies CS6 and MD2 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) and the National Planning Policy Framework which seek to ensure that developments are sympathetic and appropriate in design to local character. I shall therefore vary condition No 3.

Conditions

9. The Planning Practice Guidance (the PPG) makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. The Council has provided a list of conditions they suggest in the event that the appeal is allowed, and I note that these largely reflect the conditions imposed on the original planning permission. As I have no information before me regarding the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which would be addressed between the main parties.
10. For clarity and precision, and to ensure compliance with the PPG, I have undertaken some minor editing of the suggested conditions where necessary.

² Council ref: 21/00156/VAR

11. The development underway on site appears to be in accordance with the original planning permission. Therefore, as it has already been started I do not need to reimpose the standard time limit condition. This has subsequently resulted in a renumbering of the previously attached conditions.
12. Although it is open to me to reverse or vary any part of the Council's decision, the PPG is clear in relation to proposals under section 73 of the 1990 Act that I should consider only the disputed condition (Reference ID: 21a-031-20180615). That relates solely to materials rather than other matters of design, noting that there are certain plans before me which differ in other respects than those supporting the original permission. To consider alternative plans in other respects would be beyond the remit of this decision, notwithstanding that conditions attached to the original permission do not expressly include a list of plans. Any ambiguities in that respect are for the main parties to resolve as necessary.
13. The Council has suggested a condition requiring the submission of samples/details of the render and roofing materials for written approval. Notwithstanding the above, given that the roofing materials are included on the plans and there is a separate condition confirming that the external materials shall match those specified on the plans, there is no need for me to attach this condition. With regards to the render, I consider it sufficient to amend condition No 2, so as to make it clear that the external walls shall be rendered in off-white. I consider this detail is sufficient. I have therefore amended the wording of condition No 3 of the original planning permission to take into account the use of render.
14. A condition regarding the protection of retained trees during construction is necessary in the interests of the character and appearance of the area. Conditions relating to the access point, parking and turning areas are necessary in the interests of highway safety. Conditions requiring the provision of roosting and nesting opportunities for bats and birds and the submission of details of any lighting scheme are necessary in the interests of ecology.

Conclusion

15. For the reasons given above, and having regard to all relevant material considerations, the proposal would accord with the development plan therefore the appeal should be allowed.

H Ellison
INSPECTOR

SCHEDULE OF CONDITIONS

1. The development shall be carried out strictly in accordance with the approved plans and drawings.
2. The external materials shall match in colour, form and texture to those specified on the approved drawings, excluding the walls which shall be finished in off-white render.
3. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted AK solutions Tree Protection Plan

and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction – Recommendations" (or successor document). 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.

4. The access apron shall be constructed in accordance with the Shropshire Council's specification currently in force for an access. It shall be fully implemented prior to first occupation of the dwelling and retained thereafter.
5. Visibility splays shall be provided at the access point at a point measured 2.4 metres back from the adjoining carriageway edge along the centreline of the access extending 43 metres in both directions from the access along the highway. These visibility splays shall be provided prior to first occupation of the dwelling hereby permitted and thereafter retained and kept free of all growths and structures above carriageway level.
6. Prior to first occupation of the dwelling hereby permitted, the access, parking and turning areas shall be implemented in accordance with the Proposed Site Plan Drawing No. A102 published on 11 August 2020. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.
7. Prior to first occupation of the dwelling hereby permitted, a minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting, and retained thereafter.
8. Prior to first occupation of the dwelling hereby permitted, a minimum of 1 artificial nest of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups) shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and retained thereafter.
9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order amending or revoking and re-enacting that Order with or without amendment, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary in association with the dwelling hereby permitted.
10. Prior to its installation, details of any external lighting to be installed on site shall be submitted to and approved in writing by the local planning authority. Any scheme of external lighting shall be designed in accordance with the advice set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and Artificial Lighting in the UK. The scheme shall be implemented in accordance with the approved details and retained thereafter.