

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

Date: Monday, 2 October 2023

Committee: Northern Planning Committee

Date: Tuesday, 10 October 2023

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. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

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 - Assistant Director – Legal and Governance

Members of the Committee

Joyce Barrow
Garry Burchett
Geoff Elner
Ted Clarke
Steve Charmley
Julian Dean
Nat Green
Vince Hunt (Vice Chairman)
Edward Towers
David Vasmer
Paul Wynn (Chairman)

Substitute Members of the Committee

Roy Aldcroft
Gerald Dakin
Steve Davenport
Julia Evans
Roger Evans
Pamela Moseley
Mary Davies

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 - 6)

To confirm the Minutes of the meeting of the North Planning Committee held on 15th August 2023, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5.00 p.m. on Wednesday, 4th October 2023.

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 Coton Hill House, Berwick Road, Shrewsbury, Shropshire, SY1 2PG (23/03074/FUL) (Pages 7 - 40)

Conversion of former residential care home to provide 25 no. self contained supported housing apartments (1B1P) and associated staff offices and training room

6 Welshpool Road/Somerby Drive/Clayton Way Roundabout, Shrewsbury (23/02351/ADV) (Pages 41 - 48)

Erect and display two sponsorship signs placed on the roundabout (amended description)

7 Roundabout Junction Hanwood Road / Red Deer Road / Bank Farm Road, Shrewsbury, Shropshire, SY3 6AR (23/03684/ADV) (Pages 49 - 56)

Erect and display three sponsorship signs placed on the roundabout

8 Proposed Poultry Units NW Of North Farm, Felton Butler, Montford Bridge, Shropshire (17/05151/EIA) (Pages 57 - 90)

Erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting

9 Land Adjacent To Churncote Island, Welshpool Road/A5 Welshpool Road, Bicton Heath, Shrewsbury, Shropshire (22/02464/FUL) (Pages 91 - 128)

Development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E)

10 Appeals and Appeal Decisions (Pages 129 - 150)

11 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday, 7th November 2023, in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

Northern Planning Committee

10th October 2023

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 15 August 2023

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

2.00 - 2.50 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, Steve Charmley, Nat Green, Vince Hunt, Mike Isherwood, Edward Towers and Roger Evans (Substitute) (substitute for David Vasmer)

31 Apologies for Absence

Apologies for absence were received from Councillor David Vasmer (substitute: Councillor Roger Evans).

32 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 28th July 2023 be approved as a correct record and signed by the Chairman.

33 Public Question Time

There were no public questions or petitions received.

34 Disclosable Pecuniary Interests

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

35 Land North Platt Lane, Hollinwood, Whixall, Shropshire, SY13 2NW - 23/00632/FUL

The Planning Manager North introduced the application for the change of use of land to use as residential caravan site for one gypsy family with two caravans, including no more than one static caravan, together with laying a hardstanding, erection of dayroom building and installation of package treatment plant. The Planning Manager confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding

area. Members' attention was drawn to the information contained within the Schedule of Additional letters which included additional comments from a member of the public.

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

The Council's Solicitor read a statement on behalf of Whixall Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Mr Daryl Wright 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.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of members expressed their support for the proposals.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

36 Roundabout Junction Woodcote Way / Monkmoor Road, Roundabout, Shrewsbury - 23/02339/ADV

The Technical Specialist Planning Officer introduced the application for the erection and display of three sponsorship signs placed on the roundabout.

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

37 Roundabout Junction Abbey Foregate / Preston Street / London Road / Wenlock Road / Haycock Way, Shrewsbury - 23/02340/ADV

The Technical Specialist Planning Officer introduced the application for the erection and display of five sponsorship signs placed on the roundabout..

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

38 B4380 Roman Road/Longden Road Roundabout, Shrewsbury - 23/02343/ADV

The Technical Specialist Planning Officer introduced the application for the erection and display three sponsorship signs placed on the roundabout (amended description).

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

39 B4380 Oteley Road/Wenlock Road/A458 Roundabout, Shrewsbury - 23/02344/ADV

The Technical Specialist Planning Officer introduced the application for the erection and display of three sponsorship signs placed on the roundabout (amended description).

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

40 B4386 Copthorne Road/Mytton Oak Road/National Cycle Route 81 Roundabout, Shrewsbury - 23/02348/ADV

The Technical Specialist Planning Officer introduced the application for the erection and display of three sponsorship signs placed on the roundabout (amended description).

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

41 Roundabout Junction A528 Ellesmere Road / A5124 / Knights Way / Battlefield Enterprise Park, Shrewsbury - 23/02354/ADV

The Technical Specialist Planning Officer introduced the application for the erection and display of four sponsorship signs placed on the roundabout.

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

42 Roundabout Junction Yeomanry Road / Knights Way / Archers Way / Battlefield Enterprise Park, Shrewsbury - 23/02355/ADV

The Technical Specialist Planning Officer introduced the application for the erection and display of three sponsorship signs placed on the roundabout.

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

43 Roundabout Junction Knights Way / Hussey Road / Stafford Drive / Battlefield Enterprise Park, Shrewsbury - 23/02356/ADV

The Technical Specialist Planning Officer introduced the application for the erection and display of three sponsorship signs placed on the roundabout.

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

44 Roundabout Junction Battlefield Way / Vanguard Way / Knights Way / Battlefield Enterprise Park, Shrewsbury - 23/02357/ADV

The Technical Specialist Planning Officer introduced the application for the erection and display of four sponsorship signs placed on the roundabout

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

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

45 Roundabout Junction A5124 Battlefield Way, Battlefield Enterprise Park, Shrewsbury - 23/02358/ADV

The Technical Specialist Planning Officer introduced the application for the erection and display of three sponsorship signs placed on the roundabout

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

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

46 Appeals and Appeal Decisions

RESOLVED:

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

47 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 12th September 2023 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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Committee and date
 NORTHERN
 10 October 2023

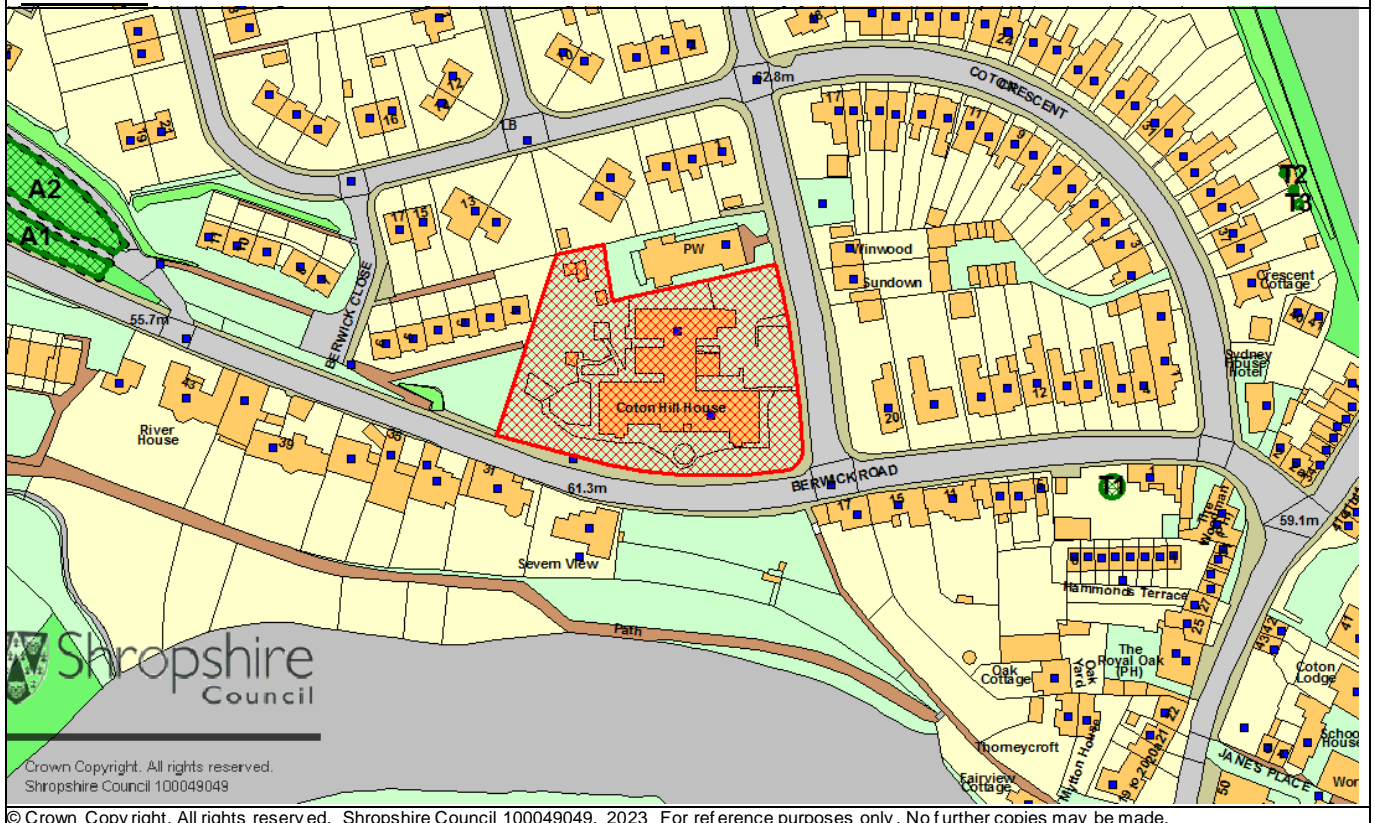
Development Management Report

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

Summary of Application

Application Number: 23/03074/FUL	Parish:	Shrewsbury Town Council
Proposal: Conversion of former residential care home to provide 25 no. self contained supported housing apartments (1B1P) and associated staff offices and training room		
Site Address: Coton Hill House Berwick Road Shrewsbury Shropshire SY1 2PG		
Applicant: Shropshire Towns and Rural Housing Ltd		
Case Officer: Jane Raymond	email: jane.raymond@shropshire.gov.uk	

Grid Ref: 349074 - 313460



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Recommendation: Delegate authority to the Planning and Development Services Manager to **Grant Permission** subject to the conditions as set out in Appendix 1 and any amendments to the conditions that are considered necessary.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the conversion of a former residential care home use Class C2, to provide 25 self-contained supported housing one-bedroom apartments for single occupancy with associated staff offices and training room and outside shared amenity space use Class Sui Generis. The apartments are proposed to be occupied as part of the homeless pathway to independent living described in the submitted statements, with a minimum stay of 6 months and maximum stay of up to 2 years.

1.2 Minimal external alterations are proposed to the building and include:

- New external doors to the 6 ground floor apartments in place of existing windows.
- Replacing the existing external aluminium trim to the top of the walls with a grey, powder coated aluminium trim to allow for insulation of the flat roof and replacement of the covering with a single ply waterproofing
- Removal of the two bays on the Berwick Road elevation and replace with new windows.
- Replace all existing windows with new white UPVC windows for improved energy efficiency and acoustic performance.

1.3 The proposal also includes minor alterations to the external layout including:

- Provision of a screened bin store.
- Secure cycle parking for up to 12 cycles
- 13 parking spaces that includes 2 disabled bays
- 2 smoking shelters
- New boundary fencing to the rear and side boundary and acoustic fence around the 2 smoking enclosures.
- Removal of existing sheds and smoking shelter
- landscaping including provision of a vegetable patch

No change is proposed to the existing access to the site off Corporation Lane.

1.4 The former residential care home was used during the period March 2021 to June 2023 to provide temporary accommodation for single person homeless households without the required planning permission for change of use but has been closed since the end of June. A revised Management Plan has recently been submitted that sets out staffing levels, how future residents will be selected, the support and training that will be offered and how the site will be

managed in addition to the ongoing management of the relationship with residents.

1.5 An Applicants Additional Supporting Statement has also recently been submitted that provides information on Shropshire Council's statutory obligations surrounding homelessness, explains why the proposed supported housing scheme is needed and how it will operate and how the scheme differs from the period the building was used from March 2021 to June 2023. This statement indicates that the proposed scheme is for single homeless people who are statutorily homeless, and it is not proposed to be a hostel or homeless shelter for rough sleepers. The proposal will enable the Council to provide quality accommodation, communal spaces for training, and experienced on-site support tailored to individual needs. and management staff to facilitate the development of single homeless persons to enable them to move on into settled accommodation.

1.6 In addition to the revised Management Plan and the Applicant's Additional Supporting Statement the application is supported by the following documents:

Design and Access Statement
Transport Statement
Travel Plan
Landscape Management Plan
Noise Impact Assessment

2.0 SITE LOCATION/DESCRIPTION

2.1 Coton Hill House is a two-storey former care home set within landscaped grounds that fronts Berwick Road to the south with a car park to the side and with access onto Corporation Lane. It was built in the 1970's and ceased being used as a care home in 2019. It was used between March 2021 and June 2023 to provide temporary accommodation for single person homeless households and has been vacant since the end of June 2023.

2.2 To the immediate north of the site is the Quaker Meeting House with residential properties beyond and to the east and west of the site. Immediately in front of the building to the south is a brick wall along the southern side of Berwick Road and the land slopes down to the river beyond this wall.

2.3 The site is just outside of Shrewsbury Conservation Area and the boundary with the conservation area runs along Berwick Road and Corporation Lane.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application relates to Council owned land and although the proposal is in line with statutory functions, the application is a major application which in the view of the Planning Services Manager in consultation with the committee chairman and vice chairman should be determined by the relevant Planning

Committee.

4.0 Community Representations

4.1 Consultee Comment

4.1.1

SC Affordable Housing: *The challenge of finding suitable accommodation for homeless single people is well documented. The issue not only presents a significant financial challenge to the Local Authority but also can result in unsatisfactory solutions for the individuals and lead to a stagnation to their situation and exacerbate the inability to progress to settled accommodation. The existing permitted use of Coton Hill House is for residential care for up to 45 residents. The proposal provides for internal re-configuration to enable 25 independent units. The external appearance of the building will remain largely unchanged. There is no intensification in the use of the property, given that the residents will be reduced by 20.*

The principal issue for consideration therefore relates to the cohort of residents. The currently permitted occupants are older residents in need of care, whereas the proposed cohort of occupants falls under 'homeless single'. Specifically, the proposal seeks to provide self-contained accommodation for individuals who will be viewed as being suitable for this 'Pathway' scheme, with the intention that after a maximum of 2 years the individual will be able to maintain independent sustainable accommodation.

It is acknowledged that there can be negative images associated with individuals classified as 'homeless single' and concern has been expressed by local residents regarding such provision in this location. However, given that there is an acknowledged need for housing provision for such individuals and an acknowledged challenge in providing such accommodation it is considered that there is justification for such a proposal.

It should be noted that the majority of residential areas contain a mix of individuals and households; the backgrounds of many households often remain unknown and could include households with individuals that were once homeless or indeed have a criminal record.

The consequences of not providing suitable accommodation for the 'homeless single' cohort could include the individuals continued accommodation in provision that restricts their necessary support, thereby resulting in the individuals situation remaining the same at best or even getting worse.

The application submission provides a Management Plan and there is no suggestion that this Management Plan cannot be altered to proactively account for issues raised in response to the consultation on this planning application or indeed experience as any scheme on the site is implemented. It should also be noted that under the section titled 'Community engagement' specific reference is made to regular contact with local residents. As such, on the basis of a continual review and dialogue with the Local Community the conversion works should be

supported.

4.1.2 SC Conservation: *We would limit our comments to advising that the application site occupied by this late 20th Century building is positioned just outside of the boundary of the Shrewsbury Conservation Area where the boundary runs along Berwick Road and also Corporation Lane. Boundary treatments to and any new signage within the application site facing these highways should be appropriate within the street scene of the Conservation Area.*

4.1.3 SC Regulatory Services: *Environmental Protection has reviewed the application and the Noise report provided and has the following comments:*

Impact of road traffic noise on proposed accommodation:

The noise report provided concludes that acoustic glazing and suitable alternative ventilation would be required on the facades closest to Berwick Road in order to achieve acceptable internal noise levels. The report also concludes that the external amenity space will exceed recommended noise levels and has advised that a 1.8m acoustic barrier is required along the boundary facing Berwick Road in order to provide a suitable external amenity space. The proposed site plan shows an acoustic barrier to the rear of the site but none to the front.

The nature of the accommodation means that the occupants are more likely to spend a significant amount of time within their accommodation and have less funds to spend time outside of the residence on recreation and leisure activities. It is important that suitable noise environment is achieved to protect the Health and Wellbeing of the residents, this is in line with the objectives the Public Health Outcomes Framework which has an overarching objective of reducing health inequalities. Therefore, I recommend that the mitigation measures detailed in the noise report are fully implemented.

Amenity impact on surrounding residential properties:

The number of residents and nature of the accommodation means there is potential for noise in the external areas to cause an impact on the amenity of surrounding properties if not appropriately managed. In particular smoking shelters are areas that can result in noise disturbance, the smoking shelters are located in the south west corner which is close to the neighbouring retirement bungalows and the residential properties on the other side of Berwick Road. It is recommended that some acoustic screening is constructed around the smoking shelters to screen the neighbouring properties from noise. The acoustic fence to the southern boundary as recommended by the acoustic report would screen the houses on Berwick Road further screening would be required to screen properties to the west.

The management of the accommodation will also be very important in ensuring that the use does not have a noise impact on surrounding residential properties. It is recommended that a management plan is approved and conditioned as part of the planning consent. The management plan provided includes a number of

actions design to prevent an amenity impact on surrounding residents. There are a few additional points that I recommend are included:

There should be a clear procedure that is followed if residents do not adhere to the rules detailed in the management plan to ensure any breaches that impact on the surrounding community are not permitted to continue unabated. The management plan states that anti-social behaviour will not be tolerated but it does not state how it will be monitored, how breaches will be recorded and what action will be taken.

There needs to be a clear complaints procedure which provides a clearly publicised means for the local community to make a complaint about specific incidence and a procedure for recording, taking appropriate action to such complaints and responding to the complainants.

The initial assessment of potential residents should consider if their needs and behaviours are likely to have a noise impact on the community. If there is evidence that there is likely to be an adverse impact the resident should not be accepted to this facility.

Should it be considered appropriate to grant consent recommends conditions.

4.1.4

SC Highways: Coton Hill House is located within a residential area off Berwick Road and previously operated as a residential care home up to 2019. As part of its residential care home use, 15 car parking spaces were provided with access onto Corporation Lane. The current application seeks conversion of the building to form a 25 one bedroom supported housing apartments and associated staff and common space. The proposal utilises the current access arrangements and proposes 13 car parking spaces of which 2 will be designated for disabled users. The application is supported by a Transport Statement (TS), a Travel Plan (TP) and Management Plan together with a Design & Access Statement.

It is acknowledged that the purpose of the development is to provide supported living to individuals and to provide a pathway to independent living, with the minimum stay to be six months as the target length of stay, with the maximum stay being 2 years and tailored therefore to the individuals support needs.

The TS indicates that there would be 12 staff employed at Coton Hill House, but that these staff would work shifts with only up to six staff being present on site at any one time. On site staff would provide support and management between 07.00 and 19.00 hours on weekdays with floating support at early morning, evenings, weekends and back holidays. During the period 18.30 to 07.30 hours every night there will be an on-site concierge service that would be supplemented by support and management staff.

Based upon the staff levels, it is considered that the level of car parking provision is adequate to cater for the likely demand during the daytime and evening shifts. Whilst no information is provided regarding the previous use of

the building as a care house, the current proposals may in actual fact result in a reduction in traffic movements than was previously the case. In any event car parking is not considered an issue that could otherwise result in additional on-street parking demand which is currently high due to the lack of off-street residential parking in Corporation Lane and adjacent streets.

It is not anticipated that tenants would have access to a car and therefore this has not been factored into any parking analysis, but this would be a matter for the management of the building.

The application is supported by a Travel Plan, which outlines the sustainable credentials of the site in terms of the walking distance and cycling distance to the town centre. Staff lockers and showers will be provided for staff as well as 12 secure and covered cycle stands for use by staff and tenants. It is acknowledged therefore that the site is well located to access the town centre, railway station and bus station.

Based upon the supporting information accompanying the application, it is not considered that the development would give rise to any adverse highway related impacts such that would otherwise warrant a highway objection either on capacity or highway safety grounds. On that basis therefore Highways raise no objection to the development subject to the development being implemented in accordance with the approved details and operated in accordance with the Travel Plan which shall remain in force for the lifetime of the development.

4.1.5

SC Waste Management: *It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). An option for residents to have wheelie bins for recycling has been added to the service in 2022, therefore space for three wheelie bins per property could be required, or communal waste facilities designed for the whole site.*

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <https://www.shropshire.gov.uk/media/25994/shropshire-refuse-and-recycling-planning-guidance2022.pdf>

Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

4.1.6

SC Ecology: *I have reviewed the application and I do not believe the change of use of the building triggers any requirements for a bat assessment. The building*

is flat roofed, so does not provide a loft space for species such as brown long-eared bats, who occupy these spaces. I have not noted any crevices or cracks within the brickwork/mortar that could provide suitable roosting habitat for crevice dwelling species either.

The proposal does not involve any alterations to the building, so there would be no impact to protected or notable species and therefore, no trigger for a protected species survey.

4.2 Public Comments

- 4.2.1 As of 29.09.2023, 289 comments have been received, 288 prior to the submission of the revised management plan including 4 representations, 14 support and 270 object and 1 comment has been received that considers that the revised Management Plan is insufficient and lacks depth and detail.
- 4.2.2 Shrewsbury Town Council (REPRESENTATION): *The Town Council support the principle of the proposal and appreciates the need for such provision in the town. There are elements of the Management Plan, however, that members have great concern about with as well as planning concerns regarding the security of the site. The security plans need to be more precise and increased to at least three members of staff (including one female) being on site all of the time. There is a lack of information regarding the training of the staff on site and concerns for the safety of females in the area. The proposed six entrances that would be left unguarded needs to be explained in greater detail. CCTV in the wider area was also an issue that members would like to see written within the report. If the management plan could be improved it may alleviate the large concerns of local residents in the vicinity of Coton Hill House. Members request that the case officer reviews the Management Plan for this application.*
- 4.2.3 Councillor Nat Green (REPRESENTATION): *As Division councillor, I have been made aware of the proposed development at Coton Hill House over some months.*

I do understand the concerns of local people, in particular regarding potential anti-social behaviour and criminality that they fear will increase as a result of this development.

However, set against this is the critical need for housing for the homeless. Therefore, just like its residents, Coton Hill House must be given a chance.

Reading through the application – and the comments – I have to say that one area of concern does come out and that is the robustness of the Management Plan. I believe that the successful running of CHH and its integration into the local community, is entirely predicated upon a sufficiently robust and workable plan. Residents have raised valid concerns regarding aspects of the plan, such as staffing, issues regarding control of drink and drugs on the site and those parts of the accommodation with separate doors.

I would like to see the Management Plan tighten up so that staff will have an effective document to work from, and local residents will have confidence that rules will be adhered to.

On that basis, while I support the application in principle, I think that a re-worked management plan is essential before I can give wholehearted support.

4.2.4

Councillor Alex Wagner (REPRESENTATION): There is a serious shortage of decent temporary and supported accommodation in Shrewsbury, which is having a major consequence for the wellbeing of some of our worst-off residents.

I have had too many pieces of casework from individuals and families in genuine need and desperation who have lost their homes or been evicted and have nowhere to stay. Negotiating the existing system with the shortages of space and lack of funding is stressful and unpleasant, and developing a site in town to provide more accommodation is something the council should pursue.

This will not be immediate, but over time a larger-scale temporary accommodation scheme will lead to a decrease in anti-social behaviour and homelessness, as it will get more people in Shrewsbury off the streets and reintroduced to mainstream society.

The above said, many of the comments made by residents and businesses in the Coton Hill area are valid and well worth genuine consideration, particularly regarding the need for a cross-organisational approach to security in the area. These points were raised in no uncertain terms at both council consultation events, but it is not clear they have been actioned.

Pig Trough opposite the site is dark and many residents now avoid it due to safety concerns. There has been a noticeable rise in anti-social behaviour in the Quarry and Coton Hill division which many residents believe to be connected to the recent use of CHH.

Even whilst out knocking doors and speaking to Coton Hill residents myself recently, the police had to be called due to anti-social behaviour opposite the Bird in Hand pub. Other landlords in the area have also reported issues with a rise in anti-social behaviour that they believe is linked to the recent CHH scheme.

I would urge officers and councillors to take the concerns of residents over this scheme seriously, and consider conditions which could improve the security and safety of both residents in the area and future residents of Coton Hill House, as well as assuaging local concerns. If this is not done, I think damage could be done to community cohesion in the area, especially with those who are very nearby to the scheme.

4.2.5 REPRESENTATION from members of the public/neighbours with their concerns summarised as follows (Full comments are available on the planning file):

Several of the proposals listed in SC Regulatory Services and SC Waste Management comments would impact on the surrounding Conservation area.

The suggested acoustic fencing to the front facing Berwick Road will completely alter the appearance of CHH from the Berwick Road side, and not for the good of the surrounding conservation area.

The community refuse and recycling bin enclosure and bins will be visible from Corporation Road and concerned that the refuse and re-cycling bins will be a hazard due to overspill and smell to all pedestrians and vehicles passing by on Corporation Road and would be visually unacceptable.

Concerned that the loss of amenity already inflicted on the community by the building's most recent use (for which no planning consent was sought or given) will be made permanent by this proposal.

Loss of amenity through an evident increase in anti-social behaviour associated with the building's current use and the way it has been managed.

The proposed management of the building in this application is insufficient to mitigate this loss of amenity.

The evidence over many months has shown that the council has not been a good neighbour to the Coton Hill community, despite having many opportunities to address concerns and manage the building in a way that would help everyone.

4.2.6 SUPPORT from 14 members of the public including 2 from The Ark Trust. All comments of support are available in full on the planning file.

4.2.7 Summary of comments provided on behalf of The Ark Trust:

The proposal would bring the property into a very positive use for individuals who find themselves on the margins of society.

Having provided daily support to those that are homeless, rough-sleeping or at risk of becoming homeless is aware of the lack of suitable housing in Shrewsbury.

Having had to send a young homeless individual into the pouring rain at 4pm on a Friday afternoon, telling him to fend for himself until he can be supported again on Monday morning, you then witness him break down in floods of tears - I would challenge anyone to say no to this application without a very heavy heart.

Would like to think if any family member or friend was in such a predicament

they would be supported and be provided with what is a very basic need - a roof over their head.

With appropriate support and security structures in place this will be a very successful project.

It will show Shrewsbury to be a caring, compassionate and kind community, providing support to those when they are in desperate need and an example to other towns and cities.

The majority of the objectors to this application have responded on the basis of "Not In My Back Yard" - an entirely understandable and defensible position for local residents, particularly the elderly or those with young children, to take; but few have little in the way of positive alternative proposals other than "spread them out in small packages" which would make it next to impossible to provide the supervision needed to minimise subsequent problems.

The innovative RESET team that has been operating for only 6 months is an example of how a new approach can generate encouraging results; and the presence of a training room in the design for Coton Hill House suggests a similar approach is envisaged there.

Commends Cllr Wagner's plea to his elected colleagues to do all in their power to minimise the disturbance to the local community through appropriate security and confidence-building measures.

The Ark has had to face, and is still facing, this very same conundrum: how to provide desperately-needed support for homeless and vulnerable people, and to contribute to a more caring and Christian society, without prejudicing the support of the community.

4.2.8 Summary of individual comments received in support:

The site doesn't have many obvious options for use and given the local authority's financial and environmental challenges it is praiseworthy that they are investing in renovation of the building rather than allowing it to sit decaying and unused.

Represents a positive and proactive approach by Shropshire Council to create a much-needed provision that will support a cohort of some of its most vulnerable residents.

There is a lack of appropriate accommodation options for the growing population of individuals in Shropshire that are becoming at risk of sleeping rough and this proposal would result in much needed accommodation.

Having somewhere to sleep at night will hopefully mean they are in a better position to access support from other services.

Supports this positive action to combat a serious issue of homelessness in Shrewsbury as supported living is the only way to help chronically homeless people beat the cycle of joblessness and homelessness.

A positive and constructive move to support the unfortunate and to make Shrewsbury a better, fairer and more decent place.

Every single person is only a few steps away from being in the same position and no one is exempt from the potential needs for temporary accommodation.

Homelessness is a prominent issue in the town due to the rising costs of living, providing such a constructive and positive space for people to be supported in their journey from homelessness to their own home is a great thing and one that we shouldn't be turning away.

Has lived next to refugee and supported housing in Cardiff, and the community was a better place for it.

Getting a roof over your head is the first step to getting your life on track and to suggest that housing the homeless will lead to more anti-social behaviour is the quite opposite to reality.

It will not only give hope to the homeless, but also be a beacon of example to many other counties in exactly how to handle their homelessness issues.

Not every person in temporary accommodation is a rough sleeper and the people in those situations need help like anyone else.

Housing in general is already in crisis and it is great to see the council working hard to provide provisions to cater for everyone.

Doesn't see any evidence of increased anti-social behaviour that is directly tied to the use of this property as a shelter.

Considers that it has been used for a similar purpose for long enough with no serious impact on the community.

Shrewsbury in general has a problem with crime and anti-social behaviour and it is actually much worse in the Ditherington area.

Although supports the provision of supported housing to encourage those who are homeless back into normal accommodation is concerned about the size of this scheme and the staffing levels envisaged.

Shares the fears of some regarding potential increase in crime and ASB and suggests there is a need to monitor impact on the local area and for the project be phased.

Phasing would allow for a trial regarding the quality and quantity of specialist support and security and for assessment in collaboration with West Mercia Police and reaction and adjustment as required.

That it is being proposed to save money does not provide reassurance that the increased level of support, that many who find themselves homeless will require to deal with underlying causes, will be provided.

Suggests involving representatives (not politicians) of the local community to be involved in formulating the criteria that will be used to identify suitable residents, drawing up the residency agreement and the sanctions that will apply in the event of breaches.

An emergency contact number that would produce in person support in the event of any incidents would provide reassurance to residents as there is not sufficient confidence that the Police, who have stretched resources will respond in a timely fashion.

Recommends the implementation of a second, or widening of the current, Town Centre Public Spaces Protection order to cover the immediate vicinity, including Pig Trough and The Flash.

Any provision must be actively supported and monitored by an increase of community policing and CCTV of public areas.

Suggest it goes ahead along with a focused community engagement project to break down, barriers, assumptions and potential difficulties.

If done well with great partnership working, then it will dispel the fears for future similar projects and any disruption to the community will be minimised.

4.2.9 OBJECTION from 270 members of the public/neighbours including a representation from P.O.R.C.H . (Project Overview and Response to Coton Hill House proposal) which indicates is a neighbourhood community group of over 100 Coton Hill residents created for discussing and responding to the proposed Coton Hill House Project. All objection comments received are available in full on the planning file.

4.2.10 Summary of comments provided by P.O.R.C.H (prior to the submission of the revised management plan):

The site has been used unlawfully by the Council as a hostel for 5-10 homeless people and the application makes no mention of this history.

There is testimony after testimony of consequential anti-social behaviour committed by the residents of CHH in the Coton Hill area and beyond during the period it was unlawfully occupied.

Residents reported a sharp increase in burglaries, car break-ins, petty theft, street issues of litter, defecation, open drug and alcohol abuse, with used syringes and wrappers in the garden area of the Flash, and open drug dealing within Corporation Lane and the junction of Berwick Road. Clients often used the rear garden for drinking sessions with their containers being thrown over the hedge.

When previously occupied the people of Coton Hill began to feel threatened in their own neighbourhood, anxious about walking particularly around Pig Trough and the Flash, and many becoming fearful even within their own homes.

There was an attack on the landlord of the local pub, a stabbing and calls from CHH to the Police, Ambulance and Fire services on a number of occasions at various times of day and night

Reports a sharp downturn in Anti-Social behaviour since the building was boarded up at the end of June.

Concerned about the impact on the residential area of Coton Hill if 25 single people drawn from the homeless, alcohol and substance abusers, and previous offenders are thrown into the community without due diligence or care.

Considers the community and visitors will suffer a serious loss of amenity and there will be an increase in Anti-Social Behaviour.

A significant number of residents were not notified of the community consultation events prior to the application being submitted.

Considered the high level of attendance by local residents referred to in the submitted documents is inaccurate and does not correspond with the view of the community.

The inadequate involvement and engagement of the local community in the 'pre-application' stage means the present application does not reflect the community's viewpoints or promote improved outcomes based on their concerns or feedback.

It does not meet the threshold and qualitative requirements of the 'Pre-application engagement and front-loading' criteria in the National Planning Policy Framework.

When submitted and validated in July many residents were unaware of the application until P.O.R.C.H. was formed and delivered 700 flyers to local residents.

Management Plan does not articulate the vetting process for the 25 lodgers and does not provide detail on the risks associated with this for the most vulnerable

residents.

It does not reference where funding will be drawn from. The Council received £1.4m from RESET in November 2022, and if they use this funding then the clients must be homeless and have a history of substance abuse.

The scale of introducing 25 vulnerable people into an entirely residential community is unprecedented.

The proposed staffing provision is insubstantial to deal with the sort of problems that these residents may have and will be detrimental to both the residents of CHH and the local community.

Concerned that the Council will create an unsafe and detrimental environment for its most vulnerable due to no resident selection criteria, or information on staffing selection, or robust security provision or a proper analysis of long-term funding.

The noise assessment only references noise within the building and does not consider noise from the grounds affecting residents and neighbours.

It will not protect and enhance existing facilities, amenities and services and quality of life and will not safeguard residential and local amenity.

To add 25 people suddenly into a community will place a burden on many local resources including GPs, dentists, police and street-cleaning.

The location is unsuitable as it is entirely residential and lacks appropriate infrastructure.

It would surely make sense to house these people further from the town centre in a place that has suitable infrastructure and where most of these vulnerable people would be walking away from town rather than into town and a lot of the ASB interactions could be avoided.

If the proposal goes ahead clients will still congregate in certain places such as around the station, and along Pig Trough and the Flash which will have a negative impact for visitors to the town and the showground.

If the intention is to clear the town centre of homeless, it will not work as they will still need to congregate in town to get provisions. They will also, doubtless, continue to meet their friends near CHH and at the Ark.

Understands that the Council also wants to relocate the drugs medication centre to the Grade II listed building Blowers Repository, 1a Castle Gates. This would create a potential triangle of despair for residents of Coton Hill.

Housing insurance and car insurance has risen astronomically in the area and

many now feel they are trapped as at least one house sale has fallen through citing the proposed plan as the reason.

The application makes no mention of consultation with the police, and the community will be expected to police behaviour outside of the grounds and the management plan does not show how they will be supported.

The proposal will significantly increase the fire risk at CHH, both in terms of likelihood, spread, and severity and no fire risk assessment has been supplied at this stage.

The 'Transport Statement' and 'Travel Plan' are not fit for purpose and do not address the pedestrian routes and patterns of movement that will be affected by the proposed change of use.

The increased fear of crime will dramatically impinge the accessibility and viability of the use of existing pedestrian routes by residents and these statements have not assessed this impact.

A concentration of 25 one-bedroom dwellings does not provide a mix of different type of dwellings that has regard to local evidence and community consultation.

There are many people including families who require assistance with their housing and not just single problematic individuals.

The proposal is not balanced and only takes care of one group of homeless people.

Limiting the use to single individuals will create more problems.

It has not been demonstrated how it will provide community benefits.

No reference to lighting which may impact on neighbouring properties and wildlife.

Bats have been seen flying around the area and questions whether a bat survey is required.

Contrary to MD2, MD3, CS6 and CS8 for the above reasons.

4.2.11

The document received from P.O.R.C.H on behalf of the community covers in detail most of the issues raised by residents and the following summarises the objections that have been individually received prior to the submission of the revised management plan:

Inadequate community consultation prior to submission as the meetings that have been held have been poorly advertised, and the timing has made it difficult for many residents to attend.

Did not receive notification when the planning application was submitted.

The consultations and unlawful change of use has left much of the community feeling powerless and their concerns ignored.

The Council is not being transparent about the proposal, where the funding is coming from and selection of future tenants.

The £1.4 million awarded to Shropshire County Council under RESET, dictates that only those individuals who fall into specific categories including those supported by the Shrewsbury Ark can benefit from the funding.

Many references have been made to personal experience of crime and anti-social behaviour in the area (including drug taking and dealing, assaults and burglary) when run unlawfully for 2 years as a homeless shelter and hostel housing problematic individuals, and that it made parts of the community no go areas.

It resulted in increased litter, bottles, and drug paraphernalia littering the streets and the pedestrian routes into town.

The Coton Hill area also suffered similar disruption when Sidney House Hotel was used to accommodate people with social problems.

It was clear when the home was previously open that the council didn't manage this properly and the community suffered. The Council were unable to prevent significant levels of crime and disorder occurring both within this facility and the surrounding area and also failed in their duty of care to safeguard the residents.

Due to experience of crime and ASB when CHH housed ten there is a fear regarding what will happen with 25 tenants and with inadequate support.

Questions the comments of the CEO of 'Shropshire Supports Refugees' regarding previous experiences and the likely success of the proposal.

Questions effectiveness of the Management Plan and whether it would work.

Inadequate staffing (insufficient and not qualified) particularly at night with only 2 staff after 7pm.

More clarity required regarding the support for residents and that it needs to be well planned and managed by agencies that have high levels of successful experience of managing such schemes.

Support will need to include medical professionals and suitably qualified personnel with real experience of dealing with vulnerable adults with complex issues rather than the unqualified personnel Shropshire council intend to staff

CHH.

It is not reasonable to assume that Coton Hill would be able to absorb a large, potentially disruptive group, with only limited professional support.

The Management plan is too vague about how any occupancy agreement and house rules would be enforced including residents being in CHH by midnight.

No provision for increased security or accountability outside of CHH.

Insufficient detail with regard to the eligibility criteria for being accommodated at CHH,

Concerned about placing 25 people with complex trauma, addictions, offences and sexual deviances in one building and the effect it will have on their safety and wellbeing.

There needs to be a risk assessment regarding the suitability of placing a mix of individuals with too many different complex issues and varied support needs in one location.

Individuals have a lesser chance of succeeding when they are surrounded by other vulnerable individuals and in particular with the same addictions.

A yearly review of the management plan is inadequate when Shropshire Council has no previous experience of running such a proposal successfully.

Even if rules are successfully enforced inside CHH, what will be done to prevent an increase in the ASB similar to that experienced in the local community previously observed by residents around Pig Trough, Coton Crescent, Corporation Lane and the Woodman P.H.

The nature of the residents will be a magnet for others with anti-social behaviour therefore exacerbating the potential for crime and other issues.

The Ark is a magnet for people who are not just from Shrewsbury but further away and fear that this attraction would be centred around CHH.

High density of similar resources in close proximity, and association with the Ark will not clear the streets of the homeless and drug addicts as they will be walking between CHH, The Ark, the methadone dispensary and town centre.

Questions the success of the Ark.

Criticism of the recently amended and extended Shrewsbury Town Centre Public Spaces Protection Order.

The children in the area could be at risk from alcohol, drugs, county lines and

violence, residents will be constantly in fear of their security and in fear of intimidation and it would not be safe to use the Pig Tough to walk into town.

There are many elderly residents and families with young children in the area and the elderly need to feel safe, and children should be able to play without coming across drug use or other anti-social behaviour.

Concerned about the risk to children in care that live in the local area.

People have a right to feel safe and secure and this proposal threatens the right to peaceful enjoyment of the area, their homes and family life contrary to the Human Rights Act.

Loss of amenity through anti-social behaviour (ASB).

Not fully considered the impact and associated risks the proposal might have on the residents and the visitors to the town centre and The West Midlands Showground.

There is no alignment with the Government's recent ASB policy and if approved will completely undermine this policy whilst denying the members of Coton Hill Community the basic right to feel safe.

Contrary to the National Planning Framework, which states that "Planning policies and decisions should promote public safety and take into account wider security"

Contrary to the spirit of the Shropshire Strategic Plan 2022-2025 which prides itself on community involvement, promotes health and wellbeing for local residents, aims to reduce instances of crime and disorder, wants to help encourage local businesses to flourish, and foster safe and reliable access between areas such as Coton Hill and the town centre.

A concentration of 25 one-bedroom dwellings does not provide a mix of different type of dwellings that has regard to local evidence and community consultation.

The proposal is not balanced and only takes care of one group of homeless people and there are many people including families who require assistance with their housing and not just single problematic individuals.

Would be the first facility of its kind in Shropshire and no data, case studies or relevant examples have been included to evidence what works in similar facilities outside Shropshire and no examples of successful comparable projects.

The proposed model of placing 25 vulnerable homeless units in one place has never been attempted before in a wholly residential area anywhere across the UK and international guidance on best practice recommends smaller clusters for

effective integration into the community.

Compares it to a scheme at Sunnybrae Rehab Unit, nestled in rural fields in Aberdeenshire.

A more appropriate solution would be a more integrated one, with smaller groups spread over a wider area around the town.

An alternative location should be found that is closer to the necessary amenities to help these people that need it most and that is not in a residential area.

Other sites should be explored such as the vacant Shire Hall, Whitehall in Monkmoor or other vacant buildings near industrial sites for example. Considers that these locations have been successful in other areas of the country for exactly this type of housing.

Cheshire Council rejected a similar application in Nov 2020 to convert a building to provide 21 self-contained units and considered that “the development was unsuitable for a residential area particularly one where many children and elderly people live” and would “undermine the community cohesion and resilience due to a fear of crime”

Loss of employment when comparing the proposed number of employees to the larger number of staff required when it was a care home.

No assessment and lack of evidence (no marketing freehold or leasehold) of why a care home is no longer required.

A small contribution in solving the NHS and Social care issue is to revert the building back to its former use as a old persons building or a facility for people coming out of hospital who are well, but don't have anywhere to go in the short term and are currently bed blocking through no fault of theirs.

Questions the Travel Plan and the level of parking provision

Considers it will have an adverse impact on the value of properties within the immediate vicinity and an increase in both property and vehicle insurance.

5.0

THE MAIN ISSUES

- Principle of development
- Visual impact/character and appearance
- Residential Amenity
- Fear of Crime and Anti-social behaviour
- Access and parking

6.0

OFFICER APPRAISAL

- 6.1 Principle of development
- 6.1.1 The established lawful use of the premises is Use Class C2 (Residential institutions) which includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. The proposal is for conversion of the existing two- storey building, to provide 25 self-contained one-bedroom, one person apartments plus communal and office space. Although there will be on-site support and training for residents, as each apartment is self-contained, and residents will not be receiving care and will live independently the proposal is not considered to be a C2 use (residential institution) and therefore planning permission for change of use is required. As there is no planning use class for this type of supported housing, the application is considered to be sui generis (in a class of its own), and if the application is approved it would be specifically for the proposed scheme as opposed to another form of supported accommodation and a condition is recommended regarding this.
- 6.1.2 The submitted documents outline the demand for the proposed accommodation which is to meet the Councils 'interim duty to accommodate'. The Council has a duty to provide temporary accommodation where an applicant is owed the main homeless duty i.e. is unintentionally homeless, eligible for assistance, in priority need and has a local connection (resident for six out of the last 12 months or three out of the last five years).
- 6.1.3 The proposal is for a supported housing scheme which forms a fundamental element of the homeless pathway for single homeless individuals to whom the Council has determined are statutorily homeless (including those people who will be determined to be statutorily homeless at the end of the relief duty), but require a period of up to two years to gain skills and confidence to be able to move into general needs social housing or private rented accommodation. The shortage in this type of accommodation results in the use of bed and breakfast type accommodation that is both unsuitable and expensive.
- 6.1.4 The proposed supported housing scheme for homeless single people will help to address the current shortage of this type of accommodation in Shrewsbury. The provision of housing within the urban area of Shrewsbury accords with Shropshire Core Strategy policies CS1 and CS2 that identify Shrewsbury as the primary focus for residential development for Shropshire.
- 6.1.5 The site is located within reasonable walking distance of Shrewsbury town centre and with a range of services nearby within the local area and access to public transport. It is therefore considered to be a sustainable location for the proposed use, and the development would make effective use of a brownfield site.
- 6.2 Visual impact/character and appearance

- 6.2.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.2.2 The proposed site is situated adjacent to Shrewsbury Conservation Area and the proposal therefore also has to be considered against national policies including section 16 of the National Planning Policy Framework (NPPF). Special regard has to be given to preserving or enhancing the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.2.3 The site has been vacant since June 2023 and has been boarded up and currently does not make a positive contribution to the character and appearance of the area. The alterations to the building are minimal and would have no adverse impact on the appearance of the building. The alterations to the layout and the landscaping of the site are also not significant and the boundaries to Berwick Road and Corporation Lane will remain as existing.
- 6.2.4 An existing smoking shelter will be removed and replaced with 2 new timber gazebos/smoking shelters that will be enclosed by fencing. This fencing will be in line with the building line of Coton Hill House, and it is considered that it would not have an adverse visual impact. A bin enclosure is also indicated adjacent to the access onto Corporation Lane to be enclosed by a 1500mm high close boarded fence that will screen the bins from public view.
- 6.2.5 It is considered that the proposed minor external alterations would have no adverse impact on the appearance of the building or the site as a whole and would not adversely impact on the character or appearance of the locality or the adjacent conservation area. The refurbishment of the buildings and the grounds, and bringing the building back in to use will secure its future maintenance and improve the appearance of the site.
- 6.3 Residential amenity
- 6.3.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 130 of the NPPF states that planning policies and decisions should ensure that development '*creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*'.
- 6.3.2 With regard to the amenity of new residents the proposed apartments will meet and exceed the Nationally Described Space Standards that requires the GIA for a 1 bedroom 1 person flat that has a shower room instead of a bathroom to be 37square metres.

- 6.3.3 With regard to outside amenity space Policy MD2 requires a minimum of 30sqm of open space per person. A proposal of 25 one person apartments equates to a total of 750 square metres and the proposed shared outside space exceeds this requirement.
- 6.3.4 A noise impact assessment has been submitted and reviewed by Regulatory Services who has emphasised the importance of a suitable noise environment to protect the health and wellbeing of future residents both indoors and outdoors. The noise assessment is based on predicted noise levels for the proposed Shrewsbury North-West Relief Road that include increased traffic flows on surrounding roads and routes and includes road traffic noise increases to existing roads, rather than just noise emissions from the proposed new relief road itself. Due to existing road traffic noise along Berwick Road and the predicted noise levels, in order to achieve acceptable internal noise levels acoustic glazing is recommended on the facades facing Berwick Road. All windows are proposed to be replaced and a condition is recommended to ensure that the recommendations with regards to acoustic glazing and ventilation is implemented.
- 6.3.5 Regulatory Services has also commented with regard to the outside space and that in order to provide a suitable external amenity space a 1.8m acoustic barrier is required along the boundary facing Berwick Road. It is considered that a 1.8 metre high fence erected along the frontage above the existing wall would have an adverse visual impact, and would also spoil the view and outlook for residents.
- 6.3.6 The outside space was previously used by the residents of the 45 bedroom care home including the provision of a timber gazebo/smoking shelter to the front of the site forward of the building. This proposal includes 2 gazebos/smoking shelters set back from the front of the building and sited within a larger area proposed to be enclosed by a timber acoustic fence. This will provide a quieter outside area that can be used and enjoyed by both smokers and non-smokers. The outside space to the side and rear of the building and behind the acoustic fence will also be screened from road noise by both this fenced enclosure and the main building.
- 6.3.7 The proposal also indicates planting areas within the grounds and a vegetable patch to the rear of the site where residents will be able to enjoy gardening activities. Seating will also be provided along the frontage where from this elevated position residents can enjoy the view towards the river and the town to the south of the site.
- 6.3.8 It is considered that satisfactory internal living accommodation and outside amenity space will be provided for residents and that the accommodation if provided in accordance with the submitted Management plan will support the safety, health and wellbeing of future residents.

- 6.3.9 Regulatory Services have also commented on the potential for noise in the external areas impacting on the amenity of surrounding residential properties. The nearest properties are the houses immediately opposite to the south in Berwick Road, houses to the north beyond the Quaker Meeting House, houses to the east in Corporation Lane, and bungalows to the west in Berwick Close. There is a grassed area of open space to the front (south) of the bungalows that shares a boundary with the site and the rear garden of No. 1 Berwick Close abuts the amenity space to the rear of Coton Hill House.
- 6.3.10 The main areas that might result in increased levels of noise above that which might usually be expected from neighbouring gardens are the smoking shelters. The acoustic fence around the area of garden where the smoking shelters will be located and referred to earlier will screen the nearest properties from noise and is now indicated on the proposed layout plan, and a condition is recommended to ensure that it is provided.
- 6.3.11 A fence is proposed along the western boundary to help screen the wider outside area from the properties to the west. It is not considered necessary to install a 1.8metre high fence along the Berwick Road frontage to screen properties opposite from potential noise as these houses opposite are separated by the road and would already be subject to traffic noise which would be reverberated and made worse if a fence was erected.
- 6.3.12 No additional fencing is proposed along the Corporation Lane boundary, but an enclosed bin store is proposed adjacent to the existing entrance to the car park. It is considered that the provision of a bin store in this location and the use of the access and car park would not result in any significant rise in noise and disturbance for residents on this street compared to its lawful use as a residential institution including children's home. It is also considered that the bin enclosure would not result in odour or increase in vermin if properly maintained.
- 6.3.13 Regulatory Services in commenting on the initial management plan indicated that the management of the accommodation will also be very important in ensuring that the use does not have a noise impact on the residential properties surrounding the site and made recommendations for amendments. An amended Management Plan has been received that includes details of an Occupancy Agreement and House Rules that are required to be agreed and signed by residents.
- 6.3.14 In relation to noise in the outside amenity areas and use of the buildings the House rules and Occupancy agreement include a number of measures to ensure that use and activity within the building and the outside areas do not result in noise and disturbance to nearby residents. The Management Plan indicates if there is any breach in the occupancy agreement or house rules residents will be served a notice to quit and lose their accommodation if they continue to break their conditions of occupation.
- 6.3.15 In addition, CCTV is proposed to be installed to provide surveillance of the

external areas around the building and internally to corridors, stairs and entrances. The only access to the scheme will be by the main front door, or for the 6 no. apartments with external doors through the new access-controlled gate off the car park where admission will be controlled by staff. Maintenance of the building and external areas will be managed and undertaken by STAR Housing, the Council's Arms' Length Management organisation.

- 6.3.16 The management plan also indicates that Council staff will work closely with the residents of Coton Hill House to get their feedback and engagement on the management of the building and support being provided. The management plan will be reviewed annually and in the first year of operation the Council will hold resident meetings to discuss plans and answer any questions. This commitment to community engagement will allow residents to be involved in discussions on how the scheme is running and/or what revisions might be required to the management plan.
- 6.3.17 It is considered that provided the Management Plan is strictly adhered to (including the commitment to liaise with residents and review the plan) the use of the grounds and the building by up to 25 residents would not result in noise and disturbance for the immediate neighbouring properties that would be significantly different than if the site was occupied as a residential institution (that could include use as a children's home) which is the current lawful use of the building.
- 6.4 Fear of Crime and Anti-social behaviour
- 6.4.1 Paragraph 92 and 130 of the NPPF indicates that planning decisions should ensure that development creates healthy, inclusive and safe places that *'promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other'* and *'where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*.
- 6.4.2 Many of the public objections received refer to the potential for crime and anti-social behaviour (ASB) that the proposed use might bring to the local community. Many have also reported that there was a rise in crime and ASB experienced in the locality and the wider area when the building was occupied from March 2021 to June 2023.
- 6.4.3 Fear of crime can be a material consideration if there is clear evidence linking the proposed use or occupiers with criminal activity. The case that established this was the West Midlands probation case (West Midlands Probation Committee v Secretary of State for the Environment CA (1998) 76 P. & C.R. 589) which held that it is only material where the use by its very nature would provide a reasonable basis for concern. Caselaw has subsequently said that fears cannot be taken into account where they rest not wholly on extrapolation from past events, but on an assumption not supported by evidence as to the characteristics of the future occupiers. N Smith v (1) First Secretary of State (2)

Mid-Bedfordshire District Council: CA (Civ Div) (Lords Justice Buxton and Sedley, Mr Justice Rimer): 21 July 2005

- 6.4.4 With regards to evidence the applicant has consulted the crime records for the Castlefields and Bagley ward as a whole and within the immediate local area (based on the crime maps) for the months available on the West Mercia police website (August 2020 to July 2023). The statistics indicate that there is no correlation between the levels of reported crime when Coton Hill House was occupied (March 2021 to June 2023) and the number of residents, and when it was not occupied (August 2020 to February 2021). There is no evidenced increase in crime associated with the former use of the building for housing homeless single households.
- 6.4.5 However, it is acknowledged that not all incidents of crime and antisocial behaviour will have been reported. Based on their experience referred to in the objection comments received from residents there is a fear that this proposal will result in an increase in crime and anti-social behaviour within their community and fear for their safety in the local and wider area.
- 6.4.6 The supporting additional statement in addition to the revised management plan sets out how the change of use as now proposed and how residents will be selected and how the site will be managed is different to the period when it was previously occupied without a planning permission in place. The applicants additional statement states that from March 2021 Coton Hill House was used as a temporary measure to provide interim accommodation for single homeless households who were either having their applications investigated or were awaiting an offer of settled accommodation following a decision to owe them the main homeless duty. It indicates that this is significantly different from the proposed approach, whereby the residents will have already progressed through the initial assessment stages and deemed suitable for a pathway project.
- 6.4.7 This assessment and criteria for eligibility is set out in the revised Management Plan and will include a risk assessment undertaken by the Council's Housing Options Team together with staff at Coton Hill House to ensure suitability for the facility. It confirms that individuals considered as too high risk for the proposed supported accommodation at Coton Hill House will not be housed at the scheme and that rough sleepers will not be considered until they have successfully completed the transition from rough sleeping to sustaining and maintaining accommodation in resettlement accommodation prior to making an application.
- 6.4.8 Residents will have to sign up to an occupancy agreement (a non-secure tenancy) and to house rules previously referred to in paragraph 6.3.14 above. The occupancy agreement will be conditional on the individual agreeing to sign up to and engage with a support package, which is designed to address their housing and support needs, and to abide by the house rules. If there is any breach in the occupancy agreement or house rules residents will be served a notice to quit and lose their accommodation if they continue to break their conditions of occupation.

- 6.4.9 Not only will eligibility, selection and conditions of occupancy be different to how it previously operated, but the type of accommodation and how it will be managed and the level of support that will be provided will be different. The proposed scheme offers residents their own self-contained accommodation but with the use of communal spaces for training, and with experienced on-site support and management staff to facilitate their development and enable them to move on into settled accommodation. This is significantly different to how it was previously occupied where residents had their own bedrooms, but shared use of the existing bathrooms and kitchens and with little support, more akin to a homeless shelter, hostel, or HMO. The proposal is not a hostel or HMO and cannot be compared to what is a very different type of accommodation.
- 6.4.10 The proposed staffing levels include 12 full-time equivalent workers employed directly by the Council comprising nine housing support officers (including a senior housing support officer) and three concierge officers that will work on a shift basis to ensure that at any one time there will be an absolute minimum of two members of staff on-site 24 hours a day, seven days a week. During the day there will usually be three or four staff on-site, and there will be capacity for additional floating support provision at weekends, bank holidays and in the evenings. In addition, specialist support workers will also be visiting clients, for example, where a resident has been a victim of domestic abuse or has mental ill health.
- 6.4.11 Staffing levels will therefore be significantly different to how it previously operated where security was commissioned by the Council and provided by a private/commercial entity on a two-officer basis. The Council acknowledges that there may have been issues with this approach in terms of these officers not being supported at all times by qualified specialist housing support staff.
- 6.4.12 Having regard to the above summary of the proposed scheme it is clear that the selection criteria for residents together with the occupancy agreement, house rules and support package that residents will have to sign up to, and the staffing levels and the support that will be provided, and the management of the proposal will be significantly different to how it was previously occupied and managed. It is therefore considered that the fear that the proposal will result in an increase in crime and anti-social behaviour in the local community based on previous experience when it was previously occupied is not substantiated.
- 6.4.13 Having regard to the accommodation proposed and the assessment and selection criteria for future occupiers that is outlined in the management plan, it is considered that the local residents fear and assumptions regarding the future residents of the proposed sui generis use to provide 25 self-contained supported housing apartments cannot be given significant weight in the planning balance. Whilst their fear is appreciated it is considered that there is nothing intrinsic to the proposed use and the proposed future residents that would provide a reasonable basis for concern. It is considered that provided the site is occupied and managed in accordance with the submitted management plan

(and a condition is recommended to secure this) the proposal would not result in anti-social behaviour or criminal activity in the immediate or wider area above that which already exists or when compared to it being brought back into its lawful use as a residential institution, for example use as care home for children or for adults with learning difficulties and/or mental health conditions.

6.5 Access and parking

6.5.1 Policy MD2 indicates that adequate on site car parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and therefore negatively impact on the local road network. The proposal includes 13 car parking spaces (2 designated for disabled parking spaces) accessed via the existing access of Corporation Lane.

6.5.2 The application is supported by a Transport Statement and Travel Plan that have been reviewed by Highways. It is considered that based on the proposed staffing levels and that residents are not expected to own a car, the level of car parking is adequate and the demand for parking and vehicle activity will likely be less than the former use as a care home and its lawful use as a residential institution.

6.5.3 The submitted Travel Plan highlights the sustainable location in terms of the walking distance and cycling distance to the town centre, the railway station and bus station. Cycling will be encouraged by the provision of lockers and showers for staff, and 12 secure and covered cycle stands for use by staff and tenants. It is considered that the proposal would have no adverse highway implications subject to adherence to the submitted Travel Plan which it is recommended to be secured by condition.

6.6 Other matters

6.6.1 Ecology: The Councils Ecologist has confirmed that a bat survey of the building is not required. No lighting is proposed. The proposed minor external alterations and the proposed change of use would have no adverse impact in respect of wildlife.

6.6.2 Consultation: There has been criticism within the public comments with regard to the consultation with residents prior to the submission of the planning application and that their views are not being listened to or taken into account. An initial consultation was held in May 2022 to discuss conversion of Coton Hill House to provide en-suite bedrooms with shared living / kitchen / dining spaces that would therefore operate more as an HMO or hostel. On the basis of the feedback from the consultation the scheme was revised to the 25 self-contained one bedroom, one person apartments along with a training room and staff facilities now proposed. A consultation on the revised scheme was held on 7 June 2023 at the Gateway Centre, Shrewsbury. The applicant has confirmed that 47 comment cards were completed on the day in addition to informal comments noted by staff in attendance and a number of follow up comments received after the

event, and these have been considered in finalising the proposed scheme. The Management plan has also now been revised having considered the public and consultee comments received following the submission of this application.

- 6.6.3 Funding: The funding for the proposal has been questioned and the Council criticised for not being open and transparent regarding this. The additional statement confirms that the government funding for the proposed scheme is standalone funding and that the proposed scheme and its associated funding does not have any connection to the RESET project nor the Shrewsbury ARK. Funding of the proposal is not a material planning consideration.
- 6.6.4 Comparable proposals: One objection refers to a scheme in Aberdeen (Sunnybrae Rehab Unit) that is in a rural area. That scheme however is a drug rehabilitation centre and is not comparable to the proposed scheme in terms of location or the type of accommodation provided.
- 6.6.5 A proposal has been referred to that Cheshire Council refused in Nov 2020 for a similar proposal. That was not a directly comparable scheme and provided a total of 13 studios or rooms with only 2 being self-contained accommodation and the other 11 sharing bathroom and kitchen facilities. The officer recommendation was for approval, but it was refused at committee (7 votes against and 4 votes for approval).
- 6.6.6 Some residents are concerned that the proposed model has never been tested either in Shropshire or in the UK and that no data, case studies or relevant examples have been included to evidence what works in similar facilities. The proposed use is sui generis use as it is considered to be 'in a class of its own'. As there are no directly comparable projects that have been set up and running no comparisons can be made. In any case each proposal has to be determined on its own merits. That there is no similar proposal is not a justifiable reason for recommending refusal of the application.
- 6.6.7 Loss of employment/alternative uses: It has been noted that the number of staff required for the proposed use might be less than the number of staff required when it was a care home for the elderly. The site is not a protected employment site and therefore the number of staff or potential loss of employment is not a material consideration.
- 6.6.8 Some comments have referred to other sites that should have been explored and/or have queried why an alternative use cannot be found for the building and that there is no assessment and lack of evidence (including marketing evidence) of why a care home is no longer required. A consideration of alternative uses for the site or alternative sites for the proposed use is not a material consideration as a sequential assessment is not a policy requirement for this type of application and it is the current proposal not an alternative proposal that is required to be determined. With regards to a demand for care homes for the elderly, the building closed in 2019 as it was not considered fit for purpose. Since that time many applications for planning permission for care homes have

been approved and some implemented and provided around Shrewsbury to meet demand. The submitted documents indicate that there is a significant and urgent demand for the use as proposed.

7.0 CONCLUSION

- 7.1 The provision of housing within the urban area of Shrewsbury accords with Shropshire Core Strategy policies CS1 and CS2 that identify Shrewsbury as the primary focus for residential development for Shropshire. The proposed supported housing scheme for homeless single people will help to address the current shortage of this type of accommodation in Shrewsbury and would make effective use of a brownfield site. It is a sustainable location for the proposed use, situated within reasonable walking distance of Shrewsbury town centre and with a range of services nearby within the local area and access to public transport. Access to the site will be via the existing access and it is considered that adequate parking will be provided. Given the fallback position of the lawful use of the site, it is considered that the proposal would result in less demand for parking and fewer vehicle movements and would have no adverse highway implications.
- 7.2 The proposed minor external alterations would have no adverse impact on the appearance of the building or the site as a whole and would not adversely impact on the character or appearance of the locality or the adjacent conservation area. The refurbishment of the buildings and the grounds and bringing the building back in to use will secure its future maintenance and improve the appearance of the site. It is therefore considered that the proposal accords with CS6, CS17, MD2 and MD13. Special regard has been given to preserving or enhancing the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in determining this application.
- 7.3 It is considered that satisfactory internal living accommodation and outside amenity space will be provided for future residents and that the accommodation if provided and managed in accordance with the submitted Management plan will support the safety, health, and well-being of future residents. With regards to the residential amenity of existing residents that live in properties adjoining and opposite the site it is considered that subject to compliance with the recommended conditions the proposed use of the building and the grounds would not result in any significant rise in activity, noise and disturbance on the site compared to its lawful use as a residential institution.
- 7.4 With regards to the fear of crime and ASB in the locality and wider area arising as a result of the proposed new use, although the fear of crime can be a material consideration there also needs to be an evidential basis to that fear. Residents have reported an increase in crime and ASB during the former period of unregulated use, but this is not supported by evidence and there is no correlation between reported crime levels and occupancy when referring to the crime statistics prior to and during this period. The community fears are based

on their experience when it was occupied unlawfully for a very different kind of use, and their assumptions regarding future residents. The proposed use and management of the scheme now proposed is not the same as when it was previously occupied as a homeless shelter or hostel when there was no planning permission in place and therefore no conditions to control the proposed occupation and management. Having regard to the assessment and selection criteria for future occupiers that is outlined in the management plan it is considered that the local residents assumptions about future residents and their fear regarding an increase in crime and ASB due to the proposed use is not substantiated. It should not therefore be attributed any significant weight as it is considered that there is nothing intrinsic to the proposed use and the future residents that would provide a reasonable basis for this to be a material planning reason to warrant a recommendation for refusal of this application.

7.5 Subject to compliance with the Management Plan it is not considered that the proposal would have a significant adverse impact on the level of criminal activity and ASB or the safety or wellbeing of residents in the locality or have a significant adverse impact on residential amenity compared to its lawful use and the proposal is therefore considered to accord with CS6, MD2 and paragraph 92 and 130 of the NPPF.

7.6 Some residents have stated that approving this application would not take into account their human rights and that their concerns have not been listened to. These rights relate to respect for private and family life and the peaceful enjoyment of possessions that have to be balanced against the rights and freedoms of others. These rights extend to the existing residents of the community and the future residents of Coton Hill House. For the reasons given in the above conclusion and within the body of the report it is considered that the proposal would not have any significant impact on the human rights of residents that live adjacent the site and in the surrounding community or on the future occupiers of the building.

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. Section 149 of the Equality Act 2010 (Public sector equality duty) requires public authorities, in the exercise of its functions, to have due regard to countering discrimination against and promoting equality for people with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). Equality will be one of a number of relevant considerations that need to be weighed in Planning Committee members' minds and taken into account in determining applications under section 70(2) of the Town and Country Planning Act 1990.

Some commentators have stated that there are other people including families and not just single people who require assistance with their housing. The provision of the proposed accommodation will help address a serious shortage of this type of accommodation and therefore address inequalities in the variety of housing that is currently available. The proposal will add another type of accommodation to the current housing stock and will not impact on the quantity of or restrict access to other types of accommodation currently available to meet a variety of needs. The site is within a mixed residential area that includes families with children and older persons accommodation. For the reasons given in the report regarding the fear of crime and anti-social behaviour not having a sound and reasonable basis for being attributed to the proposed future residents, it is considered that there are no groups with protected characteristics (identified in the Equality Act 2010) that would be adversely affected or

prejudiced by this proposal.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

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

CS1, CS2, CS6, CS17, MD2, MD13

11. Additional Information

List of Background Papers

23/03074/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RXS8VLTD07U00>

Cabinet Member (Portfolio Holder): Councillor Chris Schofield

Local Member: Councillor Nat Green

Appendices

APPENDIX 1 – Conditions

APPENDIX 1 Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

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

3. Prior to the first use of the building acoustic glazing and ventilation shall be implemented in accordance with the glazing and ventilation specification recommended within the NoiseAir Report ref: P6348-R1-V1 received 14.07.2023 and shall thereafter be retained for the lifetime of the development.

Reason: To protect residential amenity, health and wellbeing.

4. Prior to the first use of the building the new boundary fencing and the acoustic fencing surrounding the smoking shelters shall be provided in accordance with the details indicated on the approved plans and shall thereafter be retained for the lifetime of the development.

Reason: To protect residential amenity, health and wellbeing.

5. Prior to the first use of the building all hard and soft landscaping shall be carried out in accordance with the approved plans and shall be maintained in accordance with the Landscape Management Plan received 14.07.2023.

Reason: To ensure a satisfactory appearance to the development.

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

6. The use of the building, and the occupation, operation and management of the accommodation shall be strictly in accordance with the approved Management Plan.

Reason: To protect residential amenity, and the health and wellbeing of the community and the future residents of the site.

7. The development shall be operated in accordance with the Travel Plan received 14.07.2023 which shall remain in force for the lifetime of the development.

Reason: To promote sustainable means of travel and reduce carbon emissions.

AGENDA ITEM



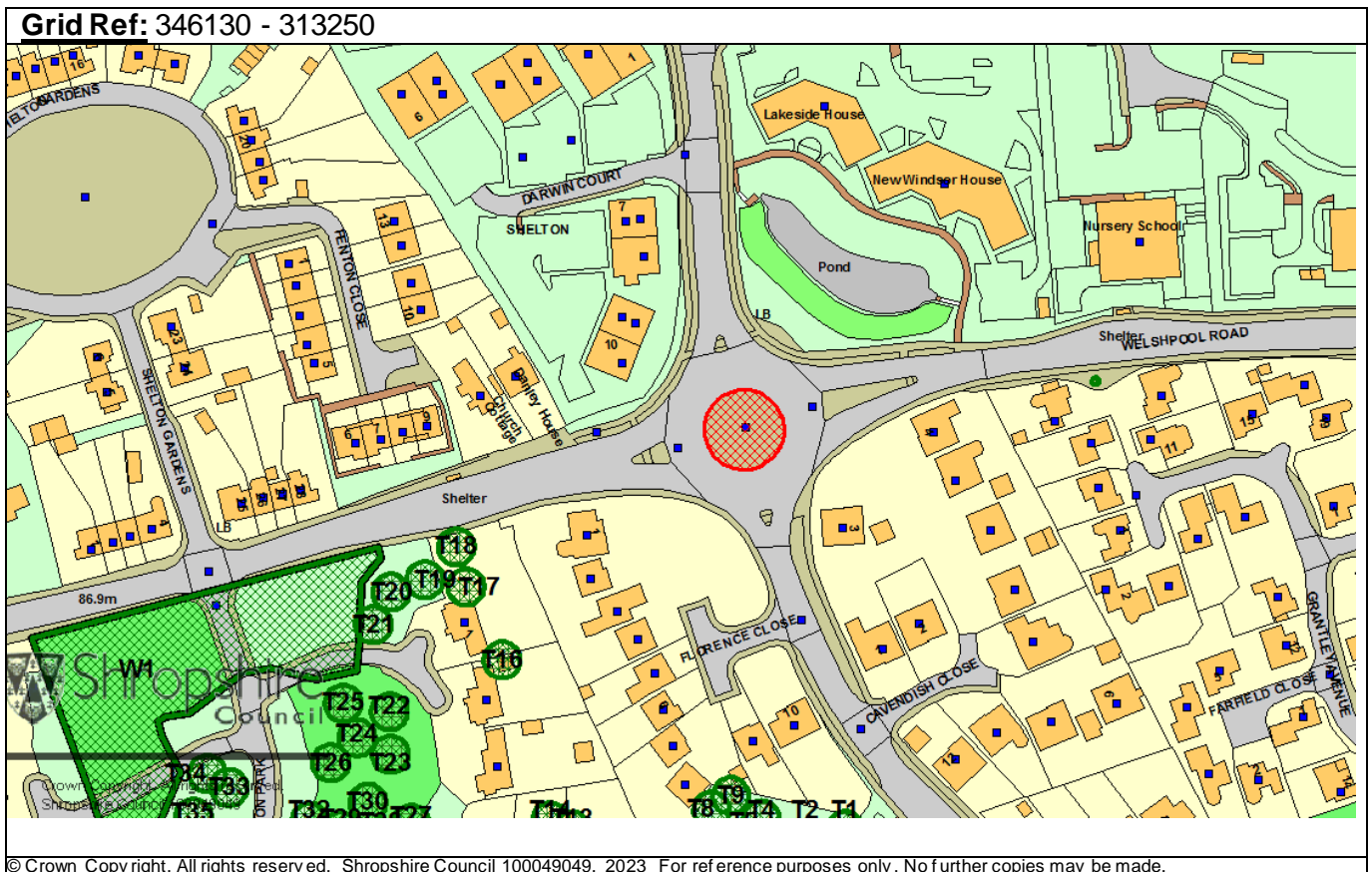
Committee and date
NORTHERN
10 October 2023

Development Management Report

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

Summary of Application

Application Number: 23/02351/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display two sponsorship signs placed on the roundabout (amended description)		
Site Address: Welshpool Road/Somerby Drive/Clayton Way Roundabout Shrewsbury		
Applicant: CP Media		
Case Officer: Jane Raymond	email: jane.raymond@shropshire.gov.uk	



AGENDA ITEM

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Welshpool Road/Somerby
Drive/Clayton Way
Roundabout

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

REPORT

1.0 THE PROPOSAL

- 1.1 This is an application for advertisement consent to erect and display two identical free standing sponsorship signs on behalf of Shropshire Council on a roundabout near to Oxon Business Park.
- 1.2 The proposed signs will measure 800mm wide by 500mm tall and will be constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The signs will be positioned 300mm above ground level attached to two 800mm high dark blue posts.
- 1.3 The signs will be simple in design, with the detailed design to be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.
- 1.4 An amended site plan has been received to reduce the number of signs from the four initially applied for, to two signs. This alteration has been made to reduce the visual impact and cluttered appearance.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a small roundabout on Welshpool Road close to Oxon Business Park. It measures approximately 22 metres in diameter. The centre of the roundabout is landscaped with four small trees plus shrubs and ornamental plants.
- 2.2 There are 3 existing smaller sponsorship signs on the roundabout in addition to 4 larger directional chevron signs.
- 2.3 The signs will be positioned on opposite sides of the roundabout facing traffic from the east and west approaching along Welshpool Road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposal does not comply with the scheme of delegation as set out in Part 8 on the Shropshire Council Constitution as the application is in relation to land owned by Shropshire Council for a proposal that is not in line with a statutory function.

4.0 Community Representations

4.1 Consultee Comment

- 4.1.1 **SC Highways:** *Shropshire Council as Highway Authority raises no objection to the granting of consent of the above mentioned planning application on the assumption that the proposed size of the signs are suitable for the surrounding conditions and can be accommodated safely. It is recommended that the applicant contacts Shropshire Councils Streetworks team to ensure that the necessary permission to work on the highway is sought. It is also recommended that the following condition is placed upon any permission granted;*

Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity.

4.2 Public Comments

- 4.2.1 **Shrewsbury Town Council:** *The Town Council object to this application on the basis that the new signs proposed are considerably larger than the existing ones and there appears to be a large amount of traffic islands around the town proposed for signage. There were also objections on the potential distraction this could create to drivers and cyclists. Finally, concerns were raised about the combination of larger and an increased number of signs on the visual amenity of the roundabout given the conservation status of the town.*

5.0 THE MAIN ISSUES

Background and Policy
Impact on Public Safety
Impact on Visual Amenity

6.0 OFFICER APPRAISAL

6.1 Background and Policy

- 6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK, and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local businesses to raise their profile. It serves as a cost-effective way for them to promote themselves in highly visibility locations for considerably less money than would otherwise be possible - helping boost the local

economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 Advertisement consent was previously granted in July 2011 for Shrewsbury Town Council to erect and display 92 sponsorship signs at 34 locations throughout Shrewsbury (ref. 11/01825/ADV). The approved signs measured 600mm wide by 375mm tall and were constructed from a poly carbon board attached onto two dark posts 200mm above ground level. This advert consent approved three signs on the roundabout the subject of this current application.

6.1.3 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.2 Impact on Public Safety

6.2.1 The signs will be 800mm wide by 500mm tall on 800mm high posts compared to the existing signs which are 600mm wide by 375mm tall on 575mm high posts. Shrewsbury Town Council has raised concern that the number of signs and the increased size compared to the existing have potential to cause a distraction to drivers and cyclists. The application when first submitted was for 4 signs but following a request to reduce the size and number of the signs the applicant has agreed to reduce the number of signs to 2 but has not reduced the size.

6.2.2 The number of signs is now one less than previously approved for this roundabout but slightly larger. The Council Highways Manager (commenting on the application for 4 signs) had no objection on Highway safety grounds to the proposed signs subject to the imposition of a condition requiring the exact location, prior to installation, to be agreed with the Highway Authority and requiring the existing signs to be removed.

6.3 Impact on Visual Amenity

6.3.1 Shrewsbury Town Council has also raised concerns regarding the impact on visual amenity due to the increased number of signs in combination with the larger size. As referred to at 6.2.1 the applicant has reduced the number of signs from 4 to 2 (one less than the existing) but has not reduced the size of the signs.

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Welshpool Road/Somerby
Drive/Clayton Way
Roundabout

- 6.3.2 It was considered that the provision of 4 larger signs (as first submitted) or 3 signs (the same number but larger than the existing) would add too much clutter to this prominent and attractively landscaped roundabout. Although situated close to Oxon Business Park, it is well landscaped at the boundaries with the highway and the other side of the roundabout is a residential area. In this context it was considered that 3 or 4 larger signs would have an adverse impact on the visual amenity of the area.
- 6.3.3 Now that the number of signs has been reduced to 2 that will be on opposite sides of the roundabout, and due to the landscaping in the centre, it is considered that the proposed signs will not be viewable at the same time from most locations around the roundabout (both by pedestrians and drivers). This will help reduce any cumulative impact and ensure that the proposal does not result in a cluttered appearance.

7.0 CONCLUSION

- 7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality.
- 7.2 It is recommended that the application is approved subject to the recommended conditions within appendix A.

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.

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Welshpool Road/Somerby
Drive/Clayton Way
Roundabout

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:
CS6, CS8 and MD2

Welshpool Road/Somerby
Drive/Clayton Way
Roundabout

11. Additional Information

List of Background Papers

23/02351/ADV - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVJBSWTDHEK00>

Cabinet Member (Portfolio Holder): Councillor Chris Schofield

Local Member: Councillor Alex Wagner

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. No advertisement shall be sited or displayed so as to

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

AGENDA ITEM

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Welshpool Road/Somerby
Drive/Clayton Way
Roundabout

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity.



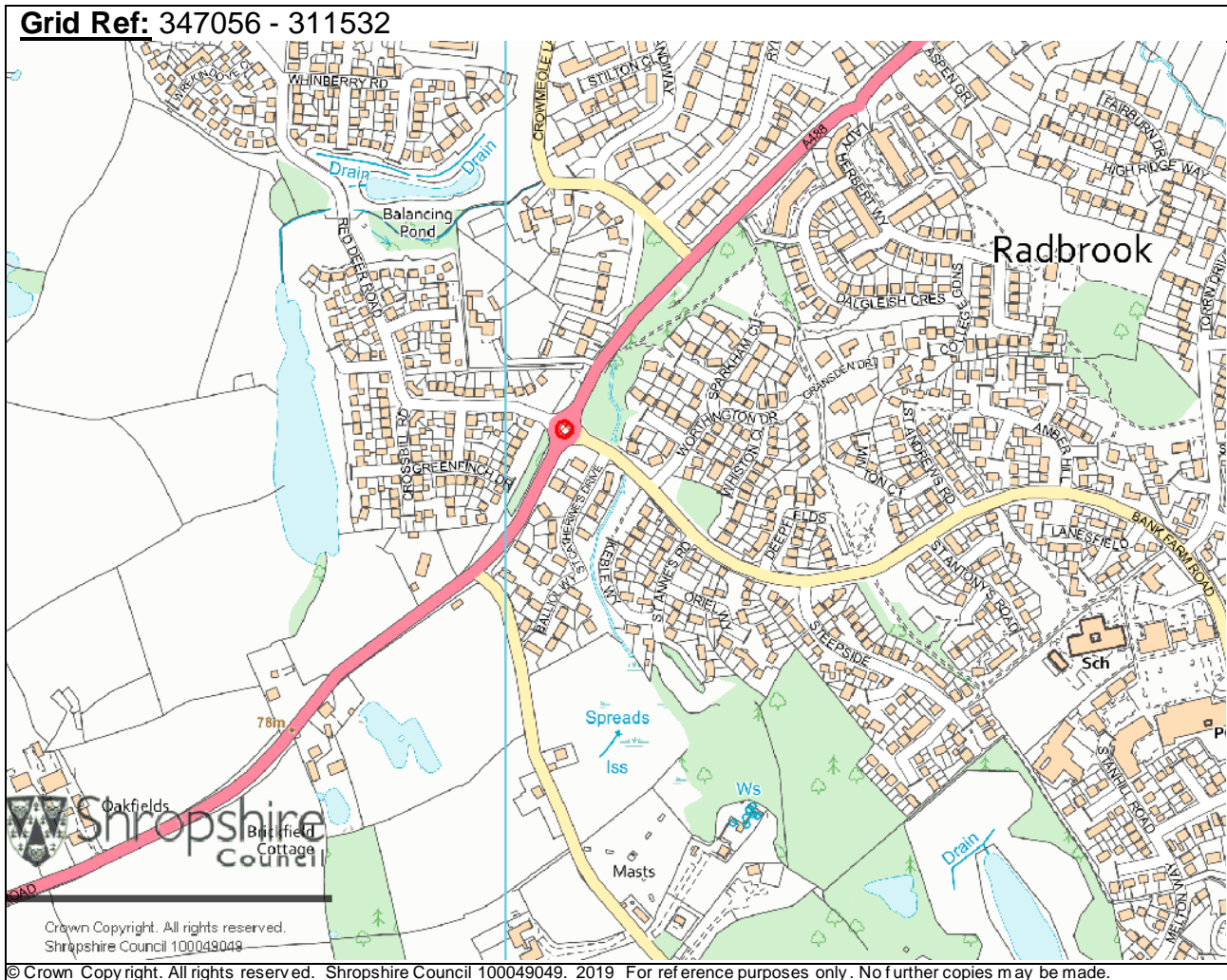
Committee and date
North Planning
10 th October 2023

Development Management Report

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

Summary of Application

Application Number: 23/03684/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display three sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction Hanwood Road / Red Deer Road / Bank Farm Road, Shrewsbury, Shropshire, SY3 6AR		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	



Recommendation: Granted Permission subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This is an advertisement application for the erection of three identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 800mm wide by 500mm tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 300mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

Amendments

1.2 An amended site plan has been received to reduce the number of signs on the roundabout from four to three. This alteration has been made to reduce the visual impact and cluttered appearance.

2.0 SITE LOCATION/DESCRIPTION

2.1 The roundabout is located along the main A488 (Hanwood Road) which runs from the A5 bypass towards the town centre. The Radbrook estate is located to the south east with Bank Farm Road connecting onto the roundabout and Red Deer Road serving a new residential estate to the north west. The roundabout is modest in size measuring 16 metres in diameter and is grassed with central shrubs with brick edging. Natural landscaping, formal estate planting and residential properties surround the roundabout. The roundabout has three chevron and directional signs.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.

4.1.2 **Shrewsbury Town Council** - No formal response has been received.

4.2 Public Comments

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity

6.0 OFFICER APPRAISAL

6.1 Background & Policy

- 6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.
- 6.1.2 Advertisement consent was previously granted in July 2011 for Shrewsbury Town Council to erect and display 92 sponsorship signs at 34 locations throughout Shrewsbury (ref. 11/01825/ADV). The approved signs measured 600mm wide by 375mm tall and were constructed from a poly carbon board attached onto two dark posts 200mm above ground level. However, this roundabout was not constructed at the time and was included within the Barratt Homes development to the north west of Hanwood Road which was granted planning permission in March 2014.
- 6.1.3 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.
- 6.1.4 This application has been subject to informal pre-application discussions between the sign company, the Council Business Development Manager, the Highways Manager, and the case officer.
- ### 6.2 Impact on Public Safety
- 6.2.1 The proposed signs are positioned to be viewed from the main three approach roads which will be positioned straight in front of the driver as they approach the roundabout. Each of the signs will be identical and they will be viewed in isolation from one another at each of the roads entering the roundabout. The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers

and that there would be no highway safety implications which could otherwise affect road users. A safeguarding condition is proposed to remove any existing unauthorised signs.

6.3 Impact on Visual Amenity

6.3.1 This application has been amended to reduce the number of signs from four to three and the signs are small and low to the ground. The signs measure 800mm wide by 500mm tall (total sign area of 0.4 sqm). The roundabout is similar in scale and appearance to other roundabouts within Shrewsbury notably the roundabouts at Copthorne Road/Mytton Oak Road, Roman Road/Longden Road, and Oteley Road/Wenlock Road which have all been granted advertisement consent for three sponsorship signs. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout. Due to the modest size and low profile of the signs officers consider that they will not result in a significant visual impact on the street scene or character of the local area.

7.0 CONCLUSION

7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

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

7.3 The recommendation is therefore one of approval subject to the conditions as outlined in Appendix 1 attached to this report.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):
MD2 : Sustainable Design

10.2 Relevant Planning History

There is no relevant planning history.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application 23/03684/ADV

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Julia Evans

Appendices

APPENDIX 1 - Conditions

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STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to:
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

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Committee and date
 Northern Planning Committee
 10th October 2023

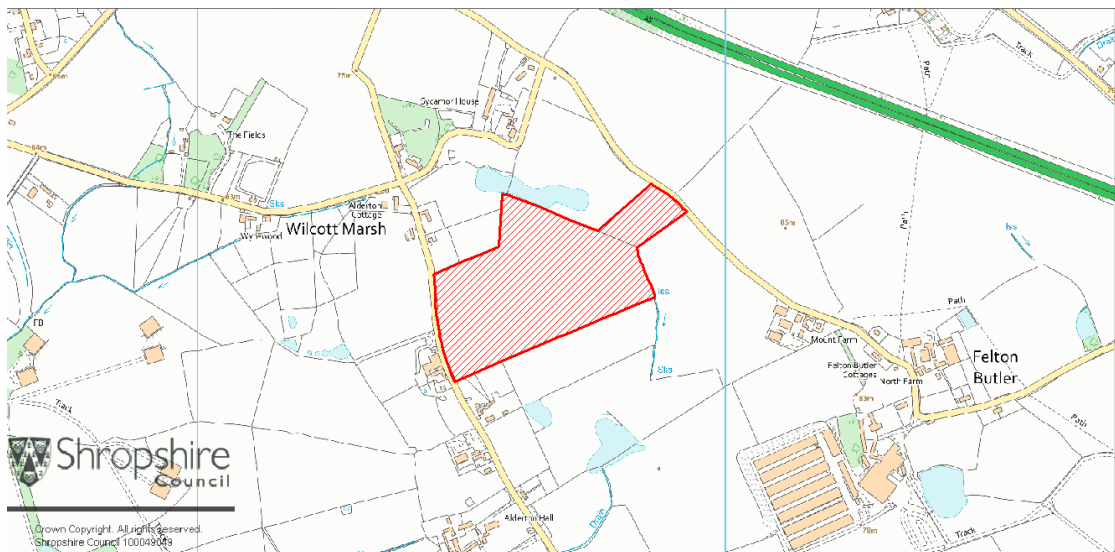
Development Management Report

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

Summary of Application

Application Number: 17/05151/EIA	Parish:	Great Ness
Proposal: Erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting		
Site Address: Proposed Poultry Units NW Of North Farm Felton Butler Montford Bridge Shropshire		
Applicant: L J Cooke & Son		
Case Officer: Kelvin Hall	email: kelvin.hall@shropshire.gov.uk	

Grid Ref: 338761 - 317806



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Recommendation: That subject to no significant additional material representations being received during the further consultation and publicity period (in the opinion of the Planning and Development Services Manager in consultation with the Chair of the Northern Planning Committee), planning permission be **refused** for the reasons set out below.

Recommended reasons for refusal

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 from ammonia emissions and manure management. Insufficient information has been submitted to demonstrate that the proposed development would not be likely to have significant effects on the environment and in particular on ecological assets from ammonia emissions. The proposals put forward for the management of manure arising from the operation are insufficient and do not demonstrate to a satisfactory degree that this indirect effect of the development would not give rise to adverse environmental impacts on local amenity and in relation to pollution. The proposed development is therefore contrary to Core Strategy policies CS6, CS17 and CS18; SAMDev Plan policies MD2 and MD12; and NPPF paragraphs 174, 175 and 180.
2. Insufficient information has been submitted as part of the Environmental Statement to enable a full assessment of the likely highways impacts of the proposal, including the proposed export of manure from the site in order therefore to demonstrate that the traffic likely to be generated by the proposed development can be adequately accommodated on the local highway network. The proposed development is therefore contrary to Core Strategy policy CS6 and SAMDev Plan policy MD8.
3. Notwithstanding the landscape mitigation proposals put forward, the proposed development would result in adverse levels of impact on the local landscape character and on visual effects. Whilst the mitigation would help to reduce these in time, it is not considered that the proposal would provide sufficient benefits to outweigh these impacts. The proposed development is therefore contrary to Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD12.
4. It is acknowledged that the proposal would provide economic benefits, including from the investment in the creation of the 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 sufficient information has been submitted to enable an assessment to be made as to whether these benefits would outweigh potential harm that would arise from the proposed development. The proposed development is therefore contrary to Core Strategy policy CS5, SAMDev Plan policy MD7b(3), and contrary to the overarching purposes of the planning system to contribute to the achievement of sustainable development, as set out in the NPPF.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting on land at North Farm, Felton Butler. The poultry buildings would each measure approximately 109 metres x 27 metres x 2.7 metres to eaves and 5 metres to ridge. Each unit would have a fan canopy and baffle area at the rear. The control rooms for each unit would be at the front of the buildings. The buildings would be fitted with roof extraction and rear gable end extraction fans. They would include air scrubbers which would provide the majority of the ventilation. Back up ventilation would be provided by the high speed ridge fans. The buildings would be constructed of box profile metal sheeting to walls and roof. The feed bins would be 6.6 metres high with a diameter of 2.8 metres. The proposed biomass store would measure 30 metres x 12 metres x 5.4 metres to eaves and 6.5 metres to ridge. The amenity building would be single storey and measure 20 metres x 10 metres with a pitched roof 2.4 metres to eaves and approximately 3.3 metres to ridge. It is proposed that all of the buildings would be finished in a dark colour of a specification to be agreed with the planning authority.
- 1.2 There would be areas of hardstanding within and around the proposed poultry buildings, to facilitate vehicle manoeuvring and access to the units. External lighting to the buildings would be downward facing and only required during bird catching at night.
- 1.3 Production process: Prior to the crop cycle, fuel would be delivered to the site and the sheds would be pre-warmed to 31°C in preparation for the chick placement. Bedding litter (wood shavings) would then be delivered to the site and spread evenly on the floor using a 'litter spreader'; and feed added to the feed bins. Following completion of preparation works the chicks would be delivered from a hatchery and placed in the sheds. Starter pellets would be manually delivered to the birds at the start of the crop cycle, with the feed mix changing as the birds grow. Water would be provided via nipple drinkers which are designed to minimise spillage. Water use in each house is monitored daily by meters. During the crop cycle the heating would be gradually reduced and the ventilation rate increased. Any fallen birds would be removed each day and stored in sealed containers on site prior to being removed under the National Fallen Stock Scheme.
- 1.4 When the birds reach around five weeks old a 'thinning' would take place. This means that a proportion of the birds would be caught and transported to the processing companies. The thinning would take place over two days, during the day time (i.e. between 0700 and 2300 hours) and night time (i.e. between 2300 hours and 0700 hours of the following day). Thinning would not commence before 0200 hours and the number of movements in any hour during the night would not exceed two.

- 1.5 When the birds are around six weeks old the remainder would be caught and removed from the site. The bird removal takes place over two days. Bird removal takes place in the same way as for the thinning process described above. At the end of the growing period the used litter would be taken away from the site in covered vehicles and taken to AD plants. Wash down and disinfection would then take place ready for the next crop. The wash water would be collected in underground tanks before being spread to agricultural land.
- 1.6 Construction phase: It is anticipated that the construction period would last for approximately 6 months. This phase would include soil stripping, cut and fill operations to achieve the required finished levels; the connection of services including water and electricity supply; and drainage works. This would be followed by the construction of foundations and the above ground building works.
- 1.7 Modifications to planning application following original submission:
Since the application was submitted the following additional information has been submitted:
- Proposed installation of air scrubber units to the buildings
 - Revised Manure Management Plan
 - Revised Odour Impact Assessments;
 - Revised Noise Impact Assessments;
 - Addendum to the Landscape and Visual Impact Assessment to include an assessment of cumulative impacts
 - Revised Ammonia Impact Assessments
 - Revised Ecological Impact Assessment.
- 1.8 In view of the additional information that has been submitted, and in particular the proposal to fit an air scrubber system to the poultry buildings, a re-consultation exercise is being carried out. Details of this, and the representations that have been received in relation to the original consultation and the current re-consultation, are set out in Section 4.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located to the north-west of the settlement of Felton Butler. The area of the site is approximately 9 hectares, comprising an arable field forming part of North Farm. Surrounding land is in agricultural use. There are scattered residential properties in the vicinity of the site, the nearest of which are approximately 190 metres away from the proposed buildings, and to the south-west. There are two Grade II listed buildings to the south-east, approximately 500 metres from the proposed built development. There is an existing poultry farm at Manor Farm, approximately 400 metres to the south-east 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**

Consultation and publicity on the application was carried out when the planning application was first submitted. Since that time, a number of additional and revised documents have been submitted. These include those relating to the proposal to add air scrubber units to the proposed poultry buildings. Given the nature of the proposed amendments to the proposal, a re-consultation process is currently underway. This has included re-consultation with relevant consultees, including the parish councils, and the publication of a further press notice. The statutory period for comments and representations expires on 29th October 2023. The consultee comments set out below relate to the consultation on the application details as they were when first submitted, unless otherwise stated. Any further comments that are received in advance of the committing meeting will be reported separately to Members.

4.1.1 **Great Ness and Little Ness Parish Council** Objects to this large scale application.

1) Highways - the proposal will have an adverse impact on constrained narrow local roads - safety issues, mud on the highway and potholes. The highways report makes a number of flawed assumptions - for example, it uses contradictory speed data and assumes someone will only visit site every few days but this is not realistic for a chicken farm as it needs to be manned daily. The HGV route proposed is unsuitable as you cannot turn left at Manor Farm - please refer to the restriction in regard to this placed on a nearby application - this has not been highlighted in the comments raised by the highways officer and this needs reviewing for consistency with other decisions made. The safety of school children catching buses in area with HGVs passing on narrow lanes is also a concern.

2) Amenity issues, noise and odour - the assessments are inadequate. These are key concerns given the nature and industrial scale of the proposed development

3) Ecological assessment inadequate - it should extend to a radius of 500 metres not 200 metres

4) Landscape issues and screening - the site will be viewable from The Cliffe and Nesscliffe Hills

5) The site will bring very limited employment benefits hence its adverse impacts outweighs any economic benefit to the community

6) The location is isolated from an existing farm business (unlike other chicken farms permitted) and is in open countryside, if the site, were located closer to the A5, the Parish Council may re-consider the proposal.

7) Adverse impact on Rights of Way network and associated tourism by spoiling character of the area

8) There are 5 chicken farms in the area and one in Montford Bridge therefore the cumulative impact of the grounds for objection raised is a significant material consideration

4.1.2 **Montford Parish Council (adjacent parish approximately 330 metres to the south)**

No objections. Has carefully considered the eight reasons for the objection from Great Ness & Little Ness Parish Council. From their location not too far from the A5 these chicken units would seem to create no serious adverse impact on Montford Parish

roads - and in general chicken units of this kind can help some of the smaller and midsized local farms in Shropshire to remain viable and competitive by promoting sensible farm diversification which helps to support the local economy of the area and also helps to provide more home grown food for our country. This comment of no objection is also consistent with Montford Parish Council's previous comment of no objection to a very similar application two years ago for four chicken units at Ensdon Farm in Montford Parish.

4.1.3 **Environment Agency** No objections.

Updated comments 26th September 2023

Environmental Permit: An environmental permit was originally twin tracked alongside the planning submission and was subsequently issued for the proposed broiler house units on the 24 August 2018. The permit allows for up to 230,000 broiler places and associated operation of 2 biomass boilers with an aggregated thermal rated input not exceeding 1.0 MWth, for site heating requirements, burning biomass fuel not comprising waste or animal carcasses. This permit required the use of high velocity roof fans to disperse ammonia emissions from the installation.

The more recent Ammonia Reports (Latest version Rev 9 dated 7th May 2023) describe the use of acid scrubbers to reduce ammonia emissions from the proposed installation. We would require the permit holders to apply for a variation to their permit should they be required to change the air ventilation system from roof fans to a gable end acid scrubber system.

We would expect to see (as part of the permit variation) a reduction of at least 70% ammonia based on the ammonia concentration of the inlet (untreated air) compared with the outlet (acid scrubber-treated air). It is likely that we would require (through the permit variation) the permit holder to carry out detailed ammonia monitoring over a 12 month period to demonstrate that the acid scrubber unit was removing at least 70% of ammonia from the air being treated. This is expected to be a betterment around ammonia compared to the roof vents detailed in the existing permit. We would not review in detail the ammonia reports as part of the planning process. A 2017 European Union agreed BAT Conclusions Document describes the minimum standards (best available techniques) which permitted intensive farms must comply with. (The document is available to view on the planning register).

Environmental Permit 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: Intensive farming: comply with your environmental permit - GOV.UK (www.gov.uk)

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.

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

Bio-aerosols and dust: Intensive farming has the potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. It can be a source of nuisance and may affect human health. Sources of dust particles from poultry may include feed delivery, storage, wastes, ventilation fans and vehicle movements. As part of the permit determination, we do not normally require the applicant to carry out dust or bio-aerosol emission modelling. We do require a 'risk assessment' be carried out and if there are relevant sensitive receptors within **100 metres** of the installation boundary, including the farmhouse or farm worker's houses, then a dust management plan is required.

A dust management plan (DMP) will be required similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in 'assessing dust control measures on intensive poultry installations' 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: <https://www.gov.uk/government/publications/rural-sustainable-drainage-systems>

Manure Management (storage/spreading): Manure disposal within the applicant's ownership (fields) is controlled through the Environmental Permit. As part of the permit determination, we do not require a Manure Management Plan. However, EP holders are required to operate under a Manure Management 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 applicant's land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to 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.

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/pollutionprevention-for-businesses>

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

on surface water run-off.

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

4.1.5 **Natural England** Insufficient information. [note that the comments below were provided prior to the modification of the application to include air scrubbers].

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Natural England is not able to assess this case as there is insufficient information provided in relation to air quality impacts. Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present.

Our Impact Risk Zones have identified that interest features of the following designated sites:

- Shrawardine Pool SSSI
- Lin Can Moss SSSI
- Fenemere SSSI

may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. In order for us to advise on this case an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet; such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior to reconsulting Natural England.

Natural England has not considered any other matters at this stage. We will provide advice on all relevant matters upon receipt of this information.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our Discretionary Advice Service.

4.1.6 **SC Ecology** Further information required. In the absence of this information it is

recommended that the application is refused as it is not possible to determine if the proposal will or will not have significant effects on ecological assets.

Comments 18/9/23: The submitted information is the same ammonia modelling report version as previously submitted and which the ecology team commented upon in June 2023 (i.e. Revision 9) so the team's comments of then still stand.

There is no commentary with regards the submitted fertiliser application information and so it is not possible to understand them or take them into account. Basically, the submitted information contains many discrepancies and contradictions and it is unclear what ammonia mitigation is being proposed to support the development. For it to be deemed to be 'nutrient neutral' (in terms of ammonia emissions and therefore nitrogen deposition too) robust and up-to-date scientifically accurate information needs to be submitted and be demonstrated to support any conclusion of nutrient neutrality.

Comments 9/6/23 Further information required. In the absence of this information it is recommended that the application is refused as it is not possible to determine if the proposal will or will not have significant effects on ecological assets.

A new revision (9) to the ammonia report has been submitted for consideration and the following matters need to be clarified:

1) What mitigation is actually being proposed? It is unclear as in the latest ammonia report at section 1 (page 3) it is stated:
'There are approximately 78 ha of arable land at North Farm, this land is currently fertilized exclusively using organic manures and/or slurries. Under the proposal, fertilization using organic manures and/or slurries would cease and any fertilization requirement would be provided by inorganic fertilizers (excluding urea based fertilizers).'

However, in section 3.5.2 of the report it is stated:

'Under the proposed scenario the usage of some of all of the land currently under arable production would change:

- 3 ha of woodland would be planted on what is currently arable farmland around the pond to the north of the site of the proposed poultry unit. These woodlands would have a species mix that is designed to maximise ammonia capture and would be managed for nature (Hatched green in Figure 2).
- There would be no fertilisation of the land that would be occupied by the poultry unit (approximately 2.5 ha).'

It is assumed that scrubbers are a proposed mitigation measure, however, what is not clear is whether the scheme is proposing as mitigation that fertilization using organic manures and/or slurries would cease on all of the land in the landholding and that any fertilization requirement would be provided by inorganic fertilisers (excluding urea based fertilizers).

2) How have ammonia emissions from the arable land been calculated? It appears that

the information submitted regarding fertiliser application rates for the farm for the preceding five years have not been used. These were shown in submitted reports 'Ammonia Mitigation Scheme' and 'Ammonia mitigation-5 year fertiliser rates' which showed the use of both organic and inorganic fertilisers on the farm, calling into question the use as mitigation of a switch from organic to non-organic on the wider holding as inorganic fertilisers already appear to be being used. Assumptions used in the report with regards to fertiliser application rates are presented in section 3.5.2 which do not use the five year on-farm information. Rather it is stated:

'All calculations are based upon the assumption that current nitrogen application rates are:

- 150 kg-N/ha/y for arable land.
- 40% of nitrogen in organic manures and slurries is lost as ammonia'.

The five-year on farm data should be used to inform ammonia emission rates.

3) The report is confusing and contradictory. At section 5.2 it is stated:

'The predicted process contribution to maximum annual mean ground level ammonia concentrations and nitrogen deposition rate at the discrete receptors from the proposed poultry houses (with Inno+ scrubbers) minus the existing contribution from the arable land on the site of the poultry houses and the arable land that would be planted with trees (approximately 5.5 ha in total) are shown in Table 4b'.

However, the title for Table 4b is:

'Predicted change in maximum annual mean ammonia concentration and nitrogen deposition rate at the discrete receptors - process contribution from the proposed poultry houses (with Inno+ scrubbers) plus process contribution from proposed arable farming minus process contribution from existing arable farming of the site of the poultry houses and the woodland planting (~5.5 ha)'.

Note therefore that it is unclear whether this table does or does not include 'mitigation' through the (perhaps (unsound)-see comment numbered 2 above) switch from organic to inorganic fertiliser on the whole landholding. Which is correct? What is table 4b actually showing and what data has been used to inform the Process Contributions in Table 4b? This should all be clarified.

Comments 27/5/22:

- The submitted information showing relevant ecological sites does not include Fenemere SSSI/Ramsar or Hencott Pool SSSI/Ramsar
- In their absence it is assumed there is potential for a likely significant effect on both of those sites
- The submitted information which identifies critical levels and critical loads states that these will be more than 1% at all of those sites shown, in the absence of mitigation, and therefore there is potential for likely significant effects on the designated sites and an Appropriate Assessment is therefore required for the internationally designated sites
- With the addition of ammonia scrubbers, critical levels and critical loads would be less than 1%, other than on the Nesscliffe Ancient Woodland, and therefore

- ammonia emissions are unlikely to have significant effects on those sites
- Regarding Nesscliffe AW, an assessment is required as to whether the development will significantly impact the ancient woodland; mitigation should be considered
 - Further information is required as to what mitigation measures are proposed, and this may need to propose additional mitigation over and above the ammonia scrubbers

Other ecology matters: An update ecological survey of the site, to check that the status of species and habitats remains as was recorded in 2017, has been undertaken and an Ecological Impact Assessment (Churton Ecology, dated February 2022) has been submitted. The survey effort and conclusions reached are satisfactory. Conditions to secure mitigation measures as detailed in section E5 of the EclA would need to be imposed should permission be granted.

4.1.7 **Historic England** (Comments received on 27/9/23 following re-consultation) Do not wish to offer any specific comments.

4.1.8 **SC Conservation** Recommends conditions.

In considering this proposal for new poultry sheds and related buildings and feed bins north west of North Farm, near Felton Butler, due regard to the following local and national policies, guidance and legislation would be required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.

A Heritage Impact Assessment has been prepared by Trysor heritage specialists and covers both built heritage and archaeological assets as supporting material with this application. I have reviewed this Report and would acknowledge its findings and conclusions. The findings of the report are also summarized in the Environmental Statement accompanying the application. A separate Landscape and Visual Impact Assessment has also been prepared by Allan Moss Associates Ltd, which is noted.

In order to minimise and mitigate visual impact conditions are recommended to agree material and colour finishes of this development, as well as surface materials for the access lane to the development as part of the landscape plan proposed.

4.1.9 **SC Archaeology** Recommends a condition.

At present, there are no records within the Historic Environment Record relating to archaeological features or finds either on the site itself or in close proximity to it.

We note and concur with the comments provided by the Conservation Officer. The following advice therefore relates solely to archaeological matters.

An Historic Environment Desk Based Assessment by Trysor has been included at Appendix 16 of the Environmental Statement. It is considered that this provides sufficient information regarding to archaeological interest of the proposed development site, in relation to the requirements of Paragraph 128 of the NPPF and Policy MD13 of the Local Plan. We also note and agree with the Assessment's conclusion at paragraph 12.3 that the archaeological potential of the proposed development site is low.

On the basis of the sites low archaeological potential the Assessment recommends that no further archaeological mitigation is required. Strictly speaking, however, the ground conditions on the proposed development site remain untested and some potential for previously unrecorded archaeological features and deposits therefore remains. In view of this and the otherwise limited archaeological potential of the proposed development site, it is therefore recommended in relation to Policy MD13 of the Local Plan that an archaeological inspection of the soil stripping operations be made a condition of any planning permission for the proposed development. This would provide us with an opportunity to check the ground conditions on the site.

4.1.10 **ESP – landscape consultant**

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. On the basis of the robust methodology set out in the LVIA, the consistent application of that methodology and the evidence presented in support of the judgements made, that the findings of the LVIA in relation to landscape and visual effects are reliable. The addendum report satisfactorily addresses the concerns that we raised in our December 2017 review of the LVIA, and we are satisfied that its significance ratings remain unchanged.

4.1.11 **SC Public Protection** Recommends conditions.

Comments provided on 26/11/20 following modification of application to incorporate air scrubbers:

Odour: The new proposal including scrubbing technology will significantly reduce odour. The impact of the proposed sheds on existing conditions is, which include a poultry installation in the vicinity, an increase in cumulative odour of less than 1 odour unit in all receptors modelled. Human detection of odour is expected to pick up odour starting at around 1 odour unit, it may be more depending on the individual. As such any increase around or below this value would not be expected to be readily perceived. In turn any increase in this level of odour would not be anticipated to impact significantly on amenity. The odour assessment notes that no residential receptor will have odour levels increased to over 3 odour units, a threshold generally considered to be the point at which odour could start to become a concern. No receptors which currently are predicted to be exposed to odour levels more than 3 units for 98% of the year have the 98th percentile increased by the addition of the proposed installation. This again suggests a low to negligible impact from this development.

Further points were made regarding averaged data and odour being worse in warmer weather. The data is an average however it is an average which is expected to be exceeded for only a very short amount of the year (2% of the year). As such when odour is above the modelled parameters it would not be expected for a significant part of the year. Due to the short duration of the year where odour above the levels predicted occurs the impact of this odour is considered to be low overall although for short periods it may be perceived above this assessment level. In respect to greater odour in warm weather this is a valid point. More odour is likely when weather is above the threshold causing additional ventilation to be brought on line. The modelling takes into consideration weather over several past years when forming its 98th percentile odour unit prediction. As such this aspect has been captured in the model and comments previously made remain unchanged. It may be the case that more of the occasions when odour is found over the 2% of the year benchmark provided in assessment occur in warmer times when people are using external areas or have windows open. Again given the short duration over any given year the impact of the development is considered to be low.

The comments also consider footpath locations. These locations in all cases are predicted to have very small increases in odour of less than 1 odour unit for 98% of the time. The impact on those using these footpaths is therefore considered to be low.

Noise: An assessment has been made of the proposed installation. Previous noise assessment modelled the impact of ridge mounted and gable fans. It considered transport impact from movements on site and biomass boiler noise and provided a cumulative impact of biomass and fan noise. This assessment concluded a low to negligible impact of noise at any location when considering the rating level or the absolute noise level in certain scenarios. Absolute noise level is considered appropriate given the low noise levels reported. The assessment concludes that electric forklifts should be used on site to ensure that night time depopulation movement noise is as low as possible. It is recommended that a condition could be imposed to require this.

A noise assessment is now provided following the inclusion of scrubbing technology. This concluded when scrubbers or emergency ventilation is used noise levels would be lower than previously modelled. Comments have been made on the application noting that the in combination effect of these two operations has not been modelled. This is indeed the case. If the systems could work together and noting the noise levels provided I can conclude that in combination noise levels would be less than previously noted. As such the scrubbing technology provides a betterment in predicted noise levels even on occasions when both ventilation systems are in operation.

The noise assessment is comparing predicted noise levels to a background noise level of still conditions with no rainfall. When windy and/or rainy conditions are found noise from the proposed installation will be masked and less impact perceivable at receptors.

Overall the impact of the proposal is considered likely to have a low impact.

4.1.12 **Highways England**

Comments received 2/10/23.

No objections. Having reviewed the documentation published in support of this planning application re-consultation, we consider that the development is unlikely to have a significant impact upon the SRN (A5). The site is located a considerable distance away from the SRN and the access road described joins the local road network with onward links to the A5 at Felton Butler. In view of the above, National Highways offers no objection to this planning application.

4.1.13 **SC Highways Development Control**

Comments received 29/9/23 following re-consultation.

Further information required. The previous comments from the Council's highways consultant WSP have been reviewed by the Council's highways team, and further comments added to reflect the modifications that have been made to the application. The recommendation from WSP was that no objection was raised subject to the imposition of 2 highway related planning conditions. The Highways team have given further consideration to the issue raised by WSP regarding two poultry operators operating on the same highway network.

As a matter of principle the Highways team are not in disagreement with the assumption that HGV traffic would route to the site via Felton Butler and access onto the A5. That is by far and away the logical route to the A5. That said it is expected that this would need to be dealt with under a Section 106 Routing Agreement, which have been used elsewhere on poultry/mineral applications.

Formalised passing places are required having regard to the limited carriageway widths between the site access to the A5. It is not considered that this issue has been properly considered either by the applicant/agent or by WSP. Whilst WSP cover off this point by way of imposing a negatively worded planning condition, it essentially puts the issue off for another day to resolve, but it is considered that this is a more fundamental matter for this application by virtue of the narrow approach road to the site from the A5 with informal passing places, given the fact that there is an adjacent poultry operator routing by the same road to the A5 and the risk that the bird cycles of both units coincide with one another and the impact that could potentially have on HGV traffic movements meeting one another. This issue would be heightened during those peak HGV movements when the bird depletion takes place and then the removal of manure. In reality the respective poultry operators would be likely to work together but it is not considered that any planning condition or Section 106 agreement clause could control two separate poultry operators, in a way that would meet the planning tests.

In addition to the above there has been no assessment carried out of the background traffic movements on the local highway network in order to better understand the cumulative impacts of the agricultural movements and car movements routing to the

A5. This would in turn would better inform the requirement for passing places. This is an important consideration from the highway authority's perspective since the lack of adequate passing places can have a significant impact upon verge damage and increased maintenance costs.

The application does not also deal with the Manure Management and simply states that bird manure would be taken to Wykey Farm at Ruyton XI Towns. No assessment is provided of the suitability or otherwise of the routing to Wykey Farm. This along with routing between the site and the A5 is material consideration and should be dealt with before planning consent should be granted.

4.1.14 **SC Drainage** No objections. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. The proposed surface water drainage strategy in the FRA is acceptable in principle. SuDS Applicability for the site is Infiltration. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 25% 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.

Should soakaways not be 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 so that storm events of up to 1 in 100 year + 25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity. Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. Details and plan on how the contaminated water in the yard from spillages or cleaning of poultry units will be managed/ isolated from the main surface water system should be submitted for approval. Reason: To ensure that polluted water does not enter the water table or watercourse.

4.1.15 **SC Trees** No objection in principle. There are a number of existing trees and hedgerows on the site and these must be retained and protected. along with protection of soil resource in areas on proposed new planting. If planning permission is granted a condition should be imposed to require tree protection measures are implemented including the submission of a Tree Protection Plan and Arboricultural Impact Assessment for approval.

4.1.16 **Shropshire Wildlife Trust** Objects. Has serious concerns relating to this application.

We note a number of objectors, including a chartered ecologist, have expressed concerns relating to the potential impact on wildlife in the area. There will be a range of professional opinion relating to what the most appropriate level of survey effort is. Given the identification of protected species in the area and the size of the development we would recommend a precautionary approach and the more rigorous levels of survey.

A 10m buffer around watercourses is inadequate and virtually impossible to monitor. We would therefore recommend that a larger buffer distance is provided and that this is dedicated to habitat creation. This would benefit the local wildlife, including protected species, and go some way to providing the biodiversity enhancements required by the NPPF.

The number and scale of poultry units in Shropshire is an increasing concern especially when considering in-combination effects and given the high background levels of ammonia concentration and nitrogen deposition. This individual application is a significant development falling under Schedule One of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the same category as a new airport or a nuclear power plant!

We would therefore recommend that the planning authority assess the in-combination effects, to ensure compliance with the Habitats Directive. Should the planning authority be minded to approve the scheme every practical method of reducing emissions should be employed.

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

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition residential properties in the vicinity of the site were directly notified. Objections have been received from 23 households and one letter of support has been received. In addition notification was received of an online petition of objection with a link to this. Details of this are below. The representations made are available on the planning register online, and are summarised below:

4.2.2 Objections:

- increased traffic and impact on local lanes making them unsafe; traffic volumes have been understated; disruption to other road users such as school buses
- damage to verges from HGV use
- impact on use of lanes for horseriders and cyclists
- lack of need for additional chicken sheds
- too close to other chicken sheds; cumulative impact
- landscape impact

- loss of hedgerows
- odour impact and cumulative odour impact; odour reports are unreliable
- inconsistencies in reports about shed clearance
- noise impact and cumulative impact
- pollution risk
- unclear where biomass would be stored
- cruelty to animals
- will sever great crested newt breeding pond connectivity
- insufficient ecological survey for great crested newt, badgers, bats, slow worms and birds
- impact on pond levels and quality
- impact on wildlife
- will need a EPS licence
- no badger mitigation strategy
- insufficient great crested newt mitigation
- impact from illumination of hedgerow
- hedgerow management unclear
- impact on visitors and residents
- environmental impact from spraying waste onto surrounding fields or being exported
- risk of pathogens and disease
- impact on nitrate vulnerable zones
- increase in flies
- impact on drainage channels
- insufficient details as to manure management
- proximity to AONB
- contrary to planning policy
- better siting options elsewhere
- appeal decision in relation to another poultry proposal near Bridgnorth, which was dismissed, raised issues over the methodology of the odour assessment, and that it had failed to consider peak odour concentrations at the end of the growing cycle and during the clearing out process; inspector considered that the assessment could not be relied upon
- inspector considered that although the air scrubbers would reduce ammonia to levels deemed acceptable to the EA, the pollutant levels would be unacceptable; and that where benchmark levels have already been exceeded, this was not justification to make an undesirable situation even worse with adverse impact on ancient woodland

4.2.3 In addition to the above, notice was given to the planning authority in 2020 of an online petition of objection, and a weblink was provided of the details of this. The petition states:

“North Farm in Felton Butler, near Shrewsbury have submitted plans to erect four poultry sheds, to house over 200,000 and ancillary buildings on a greenfield site over 1km down a single lane country road. This impact on road safety, on an already dangerous road; used by children walking to meet school buses, walkers, cyclists,

horses and locals to get to their homes. The proposals will see a major increase in traffic, with up to 10 HGVs on some days and 30 tractor trailer hauling chicken waste. There are currently four other Chicken Farm sites within a two mile radius, with the nearest being only 380m from the proposed site. Please visit cluckoff.org for more info and to raise your objection to the council to get them to refuse planning permission”.

The website states that the petition had 1,309 supporters. Officers requested that the petition organiser provided a copy of the petition so that it could be added to the online public register however no response was received. Details of the addresses of the supporters have not been provided. Members should note that in planning terms it is not the number of objections that count but the substance of what these say.

4.2.4 In addition to the above **Nesscliffe Hills & District Bridleway Association** has objected on the following grounds:

- impact on visual enjoyment and health and safety of horse riders, and other non-motorised users, of the adjacent narrow country lane
- lane, from Felton Butler to Wilcott Marsh, forms an important part of the 46 mile Humphrey Kynaston Way Long distance Bridleway route for walkers, cyclists, and horse riders
- impact on other public rights of way from additional HGV traffic
- visual impact from development and from higher hedgerows
- impact on rural economy from flies, odours, noise and traffic
- impact on local tourism and leisure use which could diminish jobs
- impact on roadside verges which would be eroded by HGVs
- additional traffic from export of manure
- impact on unique character and tranquillity, visual heritage and recreational value

4.2.5 One letter of support has been received, with the following comments:

- Would like to see small farming family businesses be allowed to grow in the current climate of farming; large part of the farm was lost to the Nesscliffe bypass and farm now has land on both sides of it; will help future generations of young farmers

5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
 - Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character
 - Historic environment considerations
 - Highways access and traffic considerations
 - Ecological considerations
 - Impact on water resources
 - Residential and local amenity 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 mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development proposes 200,000 birds at the site and as such it is 'EIA development'.

- 6.1.2 The planning application is accompanied by an Environmental Statement, as required by the 2017 Regulations. This includes a suite of technical assessments prepared by specialist consultants, and include the following: Noise Assessment; Odour Impact Assessment; Historic Environment Desk-based Assessment; Landscape and Visual Impact Assessment; Ecological Impact Assessment; Woodland Assessment; Ammonia modelling report; Access Assessment; and a Flood Risk Assessment. Since the application was originally submitted, further information has been provided as outlined in paragraph 1.7. The Environmental Statement including relevant assessments therein have been updated to reflect the modifications to the proposal.

6.2 Planning policy context; principle of development

- 6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan includes the Core Strategy and the SAMDev Plan. The proposed development is located in an area of countryside, and 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). 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.
- 6.2.2 The National Planning Policy Framework (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).
- 6.2.3 The application states that the proposal would result in additional labour requirements relating to poultry catchers, shed cleaners and manure removal contractors, and that this would amount to the equivalent of approximately four additional full-time workers. Other employment would include feed delivery drivers, poultry collection drivers,

poultry processors, construction workers, cleaning teams, manure removal teams, maintenance plumbers, maintenance electricians, ground workers, landscape contractors etc. The proposed development constitutes a diversification of the existing agricultural business which is an arable farm, and would result in economic benefits in terms of construction activity, employment of labour both during construction and the ongoing operation of the poultry business; and the related investment in buildings and infrastructure. The proposal can be supported in principle in relation to policies relating to rural economic development and agriculture. However planning 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. 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 are sited so that it is functionally and physically closely related to existing farm buildings.

6.3.2 Site design and context: A Landscape and Visual Impact Assessment (LVIA) has been undertaken in support of the Environmental Statement by a chartered landscape architect. An Addendum to this has been submitted which includes an assessment of cumulative impacts.

6.3.3 The site occupies a low lying part of a larger gently undulating arable field, with the difference in levels across the site of approximately 4 metres. There are no public rights of way directly affecting the site, although there are footpaths and bridleways in the surrounding area with potential views of the site. The LVIA sets out the visual receptors. It assesses the landscape of the area and concludes that none of the local countryside should be treated as having high landscape value. Notwithstanding their significant size in area terms, the buildings would be relatively low structures, and would be partially cut into the existing ground. They would be finished in a dark colour which would help to minimise their visual impact. There would be some hedgerow removal required to accommodate the site access, visibility splays and track, of approximately 130 metres. Significant landscape mitigation is proposed, as detailed below.

6.3.4 Landscaping mitigation: Landscaping works would include maintaining the existing hedgerows through appropriate management, the planting of new hedgerow and woodland, and the provision of rough grassland. It is proposed that landscaping would be completed during the first planting season following occupation of the proposed

buildings.

6.3.5 Landscape mitigation and enhancement would include:

- A 1.6m high partial bund/cut to reduce the visual impact of the proposed structures. The ground modelling is proposed to have a gentle outer face married into the existing undulating topography so that it can be farmed as part of the adjacent arable field, which would reduce the visual impact of the mitigation measures themselves and reduce direct landscape effects;
- New native hedgerows along the northern and western boundaries to delineate the site from the adjacent fields which, once established, will be managed at a height of 3m+ to provide partial screening to the development. Native hedgerow trees (Oak and Field Maple) will be planted in these hedgerows to enhance the softening effect;
- Further hedgerows would be planted behind the visibility splays at the site entrance;
- Existing hedgerows along the southern and eastern boundaries and those to the north would also be managed at a height of 3m+ to improve screening;
- New native hedgerow trees would also be planted adjacent to these hedgerows;
- Additional native woodland planting would be carried out to the east in the area between the development and the site boundary;
- The internal open areas within the site would be seeded with a wildflower seed mix and managed as rough grassland to enhance habitat diversity;
- Further off-site tree planting would be carried out around the existing wetland area to the north.

6.3.6 The proposed landscaping would result in an increase of approximately 830 metres of new hedgerow planting and 48 new trees, together with 3400m² of new native woodland planting to the east of the buildings. Taking into account the sensitivity of landscape receptors and the magnitude of effects, the LVIA considers that the proposal would not result in significant adverse landscape effects.

6.3.7 The LVIA also assesses the effects on visual receptors, such as the public highways, public rights of way, and private dwellings which are located to the north, west, south-west and south-east. It states that existing trees and hedgerows would help to soften the appearance of the development, and hedgerow management along with additional tree and hedgerow planting would provide mitigation. Tree planting around the wetland area to the north of the site would help to mitigate the effects on residential properties to the north. In their objection, Great Ness and Little Ness Parish Council refer to concerns that the site would be viewable from The Cliffe and Nesscliffe Hills. The LVIA notes that there would be minor distant glimpse views through the tree canopy from Nesscliffe Hill (a country park), which lies approximately 1.2km to the north. It considers that the development would have a negligible adverse visual effect on receptors using Nesscliffe Hill. The Cliffe, a hill to the north which rises to 157 metres, is approximately 2.7km away and officers do not consider that the proposed development would be a significant element in any views from this area. In relation to all visual receptors, the LVIA considers that the proposed development would have adverse impacts ranging from negligible to moderate adverse. Landscape proposals

have been designed to mitigate adverse impacts, and visual effects would reduce as planting establishes. The LVIA concludes that the significance of visual effects would be 'not significant', and that no significant adverse visual effects have been identified.

6.3.8 Cumulative effects: The addendum to the LVIA proposes that the only other poultry development with the potential to give rise to cumulative effects is the existing poultry farm at Felton Butler which lies approximately 370 metres to the south-east. It proposes that this development should be treated as part of the baseline rather than as a contributor to cumulative effects. The assessment concludes that, whilst the scale of visual effect has increased in some receptor locations as a result of the cumulative effects, these changes do not raise any issues of more than local level importance. As a result, the significance ratings of the LVIA remain unchanged.

6.3.9 The Council's landscape consultants have reviewed the LVIA and consider that its findings are reliable and provide a comprehensive assessment of the landscape and visual effects of the proposed development. They consider that the mitigation proposals are appropriately designed and specified. They are of the view that the methodology set out in the LVIA is robust and has been consistently applied. The comments of the Council's landscape consultants are acknowledged. Given that there would be adverse impacts associated with the development these will be considered in the planning balance and conclusion below.

6.4 **Historic environment considerations**

6.4.1 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. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses.

6.4.2 A Heritage Impact Assessment has been submitted as part of the Environmental Statement. It has assessment impacts on statutory and non-designated heritage assets in the area. It considers that there would be no impact on the setting of any of the listed buildings within a 1.2km radius of the proposed development. The scheduled monument of Nesscliffe Hill Camp on Nesscliffe Hill lies approximately 1.8km to the north of the site and is therefore outside of the area covered by the HIA. Nevertheless officers consider that, as the monument is situated on the northern side of the hill, and given the thick tree cover and the distance between it and the site, the proposal would not adversely affect the setting of this designated heritage asset. The findings are supported by the Council's Conservation Officer. In line with the recommendation of the Council's Archaeology Officer, should planning permission be granted, a condition can be added to require that access is afforded to officers during construction works to monitor ground works and to record any archaeological evidence. In addition a condition could be included to require details of the external appearance of the

buildings to be agreed.

6.5 **Traffic and access considerations**

6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.5.2 The application proposes that HGVs would get to and from the site via the A5(T) to the south east, via the Felton Butler roundabout. It states that HGVs would be prevented from approaching from and leaving to the north by access design.

6.5.3 When the planning application was originally submitted it proposed that manure arising from the operation would be dealt with by a combination of spreading onto farmland and being exported off site to anaerobic digester (AD) plants and other local farms. It is understood that the submitted Traffic Assessment (TA) was undertaken on that basis. The TA states that manure removal would take place on day 44 of the crop cycle and involve 30 tractor and trailer movements. Subsequently a revised manure management plan was submitted and this states that all manure would be exported to an AD plant at Wykey by tractor and trailer and, if this is not possible, then it would be exported by Gamber Logistics Limited. The Traffic Assessment has not been updated to reflect this change to the proposed arrangements for manure management as part of its export to Wykey which is approximately 8 miles from the site, or as part of its export by Gamber Logistics Limited. The original and the revised Design and Access Statement states that manure removal would take place in a short period between bird removal and chick placement, and that the direction of the movements would vary. Insufficient information has been submitted to identify the number and frequency of traffic movements associated with the manure export now that the proposed arrangement for this has changed, and the routes that would be taken. In addition the Council's highways team have advised that passing places would be required along the local lane given the restricted width of this. They have advised that further highways information is required to inform the specific details of these. It is therefore not considered that insufficient information has been submitted to enable the full highways impacts of the proposal to be assessed.

6.6 **Ecological consideration**

6.6.1 Core Strategy policies CS6 and 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.

6.6.2 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the nature and local environment by protecting and enhancing sites of biodiversity. Paragraph 180 states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. 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.

6.6.3 Assessment of direct ecological impacts: An Ecological Impact Assessment was submitted with the original application and this was updated in 2022 and is sufficiently up to date. The Council's ecologist has confirmed that the survey effort is satisfactory and has raised no concerns over the conclusions reached. Should planning permission be granted it would be necessary to impose conditions to secure mitigation and enhancement measures as recommended in the Ecological Impact Assessment. These include the use of Reasonable Avoidance Measures to avoid any impacts on Great Crested Newt, the provision of a 30 metres buffer to a badger sett; management of existing hedgerow; and the planting of additional native hedgerow and woodland.

6.6.4 Assessment of indirect ecological impacts: Poultry rearing operations and any spreading of the manure arising from them results in the release of ammonia emissions and these can have a significant impact on ecology over a wide area, either directly or through nitrogen deposition. There are a number of designated ecological sites within influencing distance of the site. These include two areas designated as ancient woodland and/or local wildlife sites within 2km of the site; four further ancient woodlands within 5km; three Sites of Special Scientific Interest (SSSI) within 5km; a further five SSSIs within 10km of the site, two of which are designated Ramsar sites. Concerns were raised by the Council's ecology team in relation to the application as originally submitted, on the basis that this did not provide sufficient assessment of the impact that the proposed development would have on ecological receptors due to ammonia emissions.

6.6.5 The application now proposes that air scrubbing equipment would be fitted to the poultry houses. An Ammonia Impact Assessment has been submitted and this estimates the emissions from the poultry buildings based upon the use of the scrubbers. It also seeks to estimate ammonia emissions from the existing manure spreading. It is proposed that this spreading would cease and that the farmholding would use non-organic mineral fertiliser instead. The assessment seeks to calculate the impacts from this. The Ammonia Impact Assessment has been revised a number of times to seek to address the continued concerns of the Council's ecologist. The current version, revision 9, proposes the following as mitigation for ammonia impacts:

- existing fertilisation of the 78 hectares of arable land at North Farm using

- organic manures and/or slurries would cease;
- any fertilisation requirement would be provided by inorganic fertilisers;
- three hectares of land which is currently arable would be planted with trees and would not be fertilised;
- approximately 2.5 hectares of land which is currently arable would be taken up by the poultry unit, and therefore would not be fertilised.

6.6.6 The Council's ecologist has raised further queries in relation to these mitigation measures. These include queries over the records of previous fertiliser inputs to the farmland that have been provided; and contradictory statements within the Ammonia Impact Assessment. The ecologist has advised that it is not clear what data has been used to inform some of the data provided within the report. In response to earlier concerns raised, the applicant submitted further information in September 2023 however this did not include an updated Ammonia Impact Assessment. On the basis of the information submitted to date, officers consider that it is not possible to determine whether or not the proposal would have significant effects on ecological assets. The proposal is therefore in conflict with Core Strategy policies CS6 and CS17; SAMDev Plan policies MD2 and MD12; and NPPF paragraphs 174, 175 and 180.

6.7 **Impact on water resources**

6.7.1 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. A Flood Risk Assessment and Drainage Strategy report has been submitted as part of the Environmental Statement. The site is located within Flood Zone 1, which denotes an area of low risk of flooding. The proposed development would introduce impermeable drainage area in the form of buildings and access roads. In order to ensure that the increase in surface water runoff does not exacerbate flood risk elsewhere, the proposed development would incorporate flow control and attenuation. The drainage report identifies options which include the use of an existing pond for attenuation purposes or alternatively through the use of a below ground tank. In terms of foul water from the shed wash-down, this would be directed to a dirty water tank located beneath the proposed yard area and emptied at frequent intervals by a tanker.

6.7.2 The Council's drainage team have confirmed that these outline proposals are acceptable. Detailed matters could be dealt with by way of a planning condition to require approval of final designs, should planning permission be granted.

6.8 **Residential and local amenity considerations**

6.8.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. 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. One of the core planning principles of the NPPF is that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.

- 6.8.2 Relationship between planning and permitting processes: The Environment Agency has advised that they have issued an Environmental Permit (EP) for the proposed poultry operation, under the Environmental Permitting regulations. They have confirmed that this EP would need to be varied to change the air ventilation system from roof fans to a gable end scrubber system. This EP would regulate the day to day general management of the operation, including any pollution incidents, and noise and odour issues. Paragraph 188 of the 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.
- 6.8.3 Noise: A Noise Impact Assessment was submitted as part of the original application. This has been revised to assess the likely overall noise implications of the proposal following the introduction of the air scrubber units. The noise report assesses the impact on relevant receptors which include those dwellings in the vicinity of the site. The report concludes that there would be a significant reduction in extract fan noise emissions compared to the previous proposed scheme. It states that noise impact of the air scrubber system during the day and evening would be very low to negligible; and for the emergency roof fans it would be low to very low. In addition, during the night-time period, noise ingress via an open window would be inaudible and therefore negligible.
- 6.8.4 The Council's Regulatory Services officer has reviewed the submitted assessment. The officer has noted that the noise from the operation of the scrubbers and the emergency ventilation together has not been modelled but nevertheless has raised no concerns regarding the likely noise impact. A previous report recommended the use of an electric forklift to reduce noise impacts during the night time during bird catching operations. A planning condition could be imposed to this effect should planning permission be granted. The Regulatory Services officer considers that overall the proposal is likely to have a low impact in terms of noise.
- 6.8.5 Odour: Decomposing waste products such as manure, dust and bedding causes odours in poultry units. This can be affected by ventilation rates and temperature in the buildings. An Odour Impact Assessment was submitted as part of the original application and a number of revisions to this have been submitted based upon comments raised through the planning process and also the proposed introduction of the air scrubber units.
- 6.8.6 In relation to the clearing out of the poultry buildings the odour report states that this would occur once at the completion of each flock cycle (every 42 days) and that the time taken to complete the task would normally be less than four hours per house. It states that any elevated odour emissions during that process would be transitory and

relatively infrequent. It notes that no manure would be stored on site. The odour consultant states that little factual information exists on the magnitude of odour emission rates during clearing out, and because of the short term duration of these activities it is not feasible to model them and relate the results to accepted odour impact standards. The report states that the emissions would be transitory and infrequent in nature, and therefore the output of modelling could not be assessed against conventional 98th percentile impact benchmarks and guidance. For these reasons, it concludes that it is not feasible to model odour emissions during the cleaning out of poultry houses. The author considers that that approach is supported by planning appeals, in particular the Mapleton Farm appeal (at Horsington in Lincolnshire), where the Planning Inspector considered that modelling emissions during cleaning out was not appropriate. The report goes on to say that the authors have seen no guidance or scientific evidence that suggests that the planning and assessment criteria have changed since this planning appeal decision.

- 6.8.7 The report was produced in 2020 and since then an appeal decision has been received in relation to a proposal for four poultry buildings elsewhere in the county where the proposal was dismissed on grounds of odour and ammonia impacts (APP/L3245/W/21/3289216). In this decision the inspector acknowledged that odour dispersal modelling is not an exact science and is based upon a number of variables. In relation to the submitted odour assessment the inspector was not satisfied that this properly considered the odour effects of the proposed development. The inspector was concerned that the assessment failed to consider peak odour concentrations at the end of the growing cycle and during the clearing out of the poultry buildings. Also of concern was that there was limited explanation provided for the input data selected and the methodology adopted. These factors combined with the absence of empirical evidence to support the assessment and conclusions led the inspector to determine that the odour assessment for that proposal did not adequately model the impact resulting from the proposed development; and that in his judgement the conclusions reached in the assessment could not be relied upon.
- 6.8.8 The odour assessment in relation to the current application was undertaken by a different consultant to that in the appeal referred to above. The Council's Regulatory Services team have been re-consulted following the appeal decision. At the time of writing this report no further comments had been received, and any comments that are made in advance of the committee meeting will be reported to Members. The odour report puts forward recommended mitigation measures to ensure that odour arising from the clearing out process is minimised. Notwithstanding the responsibilities of the Environment Agency in relation to odour management matters, it is considered that a condition could be imposed on any planning permission granted to require that these mitigation recommendations are adhered to.
- 6.8.9 The Odour Impact Assessment (OIA) considers that the air scrubbers would reduce odour emissions by 30%. The OIA has modelled cumulative odour emissions which include those from an existing poultry unit to the south. The modelling predicts that the five-year mean annual 98th percentile hourly mean odour concentrations are below the suggested benchmark range of 3.0 to 5.0 oue/m³ at all occupied receptors. In addition,

it predicts that odour exposures would also be below the more rigorous 1.5 ouE/m³ benchmark at all occupied receptors. It states that odour impacts at public rights of way, which are less sensitive receptors, would also be below the benchmark range of 3.0 to 5.0 ouE/m³ apart from at one footpath receptor location, where the predicted impact would be 3.12 ouE/m³. It concludes that it is predicted that there would be 'negligible' impacts at all receptor locations when taking account of sensitivity.

- 6.8.10 In terms of cumulative impacts, the OIA reports that odour emissions in the area would be dominated by those from the existing, large poultry unit to the south-east., and that the proposed development would only contribute a small proportion of the combined odour impact at most receptors. It states that with the inclusion of acid scrubber abatement and with roof-mounted "boost" fans for hot weather ventilation, the cumulative odour impacts of the proposed North Farm poultry unit in combination with the existing unit at Felton Butler are reduced to below the 3.0 ouE/m³ benchmark at those locations where there is any potential for cumulative impacts. At other sites where there is exceedance of the 3.0 or 5.0 ouE/m³ benchmarks as a result of emissions from the existing unit in Felton Butler, the odour impact contribution of the proposed development would be insignificant. The OIA therefore concludes that the proposed poultry unit would have no material significant impact on local residential amenity with respect to odour both in isolation and in combination with the existing, larger poultry unit at Felton Butler.
- 6.8.11 The Council's Regulatory Services Officer acknowledges that the scrubbing technology would significantly reduce odour. The officer considers that any increase of odour around the 1 odour unit level would not be expected to be readily perceived, and that the OIA suggests that there would be a low to negligible impact from the proposal. In relation to the potential for elevated levels of odour during clearing out operations officers consider that notwithstanding the inherent difficulties in assessing the impact of this part of the process, this would occur infrequently and for a short duration during each cycle. It is not considered that the impacts of this in the local area would be at a level that would warrant refusal of the proposal on odour grounds.
- 6.8.12 Manure management: The spreading of poultry manure on farmland raises implications in terms of potential amenity and environmental impacts. Following concerns raised by officers on this the applicant has submitted a Manure Management Plan (MMP). This states that the applicant currently buys in fertiliser to spread on the land together with some poultry manure. It states that it is proposed that all manure produced from the proposed broiler units would be exported to an Anaerobic Digester plant at Wykey. The MMP includes a letter from the operator of this plant confirming that they are willing to remove and store the manure as soon as the birds are taken from the sheds, and that the manure would be used as feedstock for the anaerobic digester, which utilises this to generate heat and electricity. The MMP states that in the event that AD facility is not available the manure would be exported by Gamber Logistics Ltd. It is not clear what would then happen to the manure once it has been exported by this company. It is understood that Gamber Logistics Ltd. is a company that specialises in cleaning services; litter trading; and potato supply chain management and trading.

6.8.13 It is considered that the export of the manure arising from the proposed operation and its use in an anaerobic digester would be acceptable in principle in preference to it being spread directly onto farmland. The application proposes that the manure would be exported to a specific AD plant. However it is not considered that the application proposes an acceptable contingency arrangement for the management of poultry litter should the specified anaerobic digester option not be available. There is no mechanism put forward for ensuring that, in the event of an alternative option being required, such as may be necessary if the Wykey AD operator no longer wishes to accept the waste, all manure produced would be satisfactorily managed and that its use would not raise potentially significant impacts. The application is therefore deficient in relation to this and it is not possible to conclude that the use of the manure would not give rise to adverse environmental impacts on local amenity and in relation to pollution. The proposal is therefore in conflict with Core Strategy policies CS6 and CS18.

7.0 PLANNING BALANCE AND CONCLUSION

7.1 The proposal for a new poultry rearing operation at North Farm, Felton Butler would constitute a diversification of the existing agricultural business and would result in economic benefits in terms of construction activity, employment of labour both during construction and the ongoing operation of the poultry business; and the related investment in buildings and infrastructure. It is considered that the assessments submitted in relation to noise and odour impacts have satisfactorily demonstrated that the operation can be undertaken at this site without adversely affecting local amenity to an unacceptable degree, either in isolation or cumulatively with other activities in the area.

7.2 However the submitted information does not provide a satisfactory level of assessment in relation to potential ecological impacts from ammonia emissions. It is therefore not possible to determine whether or not the proposal would have significant effects on ecological assets, which include ancient woodland and SSSIs. In addition, the proposals put forward for the management of manure arising from the operation are insufficient and do not demonstrate to a satisfactory degree that this indirect effect of the development would not give rise to adverse environmental impacts on local amenity and in relation to pollution. Additionally, insufficient information has been submitted as part of the Environmental Statement to enable an assessment of the likely highways impacts of the proposal, particularly in relation to the proposed export of manure from the site. Notwithstanding the landscape mitigation proposals put forward, the proposed development would result in adverse levels of impact on the local landscape character and on visual effects. Whilst the mitigation would help to reduce these in time, it is not considered that the proposal would provide sufficient benefits to outweigh these impacts. The proposed development is therefore contrary to Core Strategy policies CS6, CS17 and CS18; SAMDev Plan policies MD2, MD7b and MD12; and NPPF paragraphs 174, 175 and 180.

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 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS13 - Economic Development, Enterprise and Employment

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

RELEVANT PLANNING HISTORY: _

None.

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OYAFPITDHDA00>

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 Chris Schofield
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Local Member

Cllr Ed Potter

Appendices

APPENDIX 1 - None



Committee and date
10th October 2023

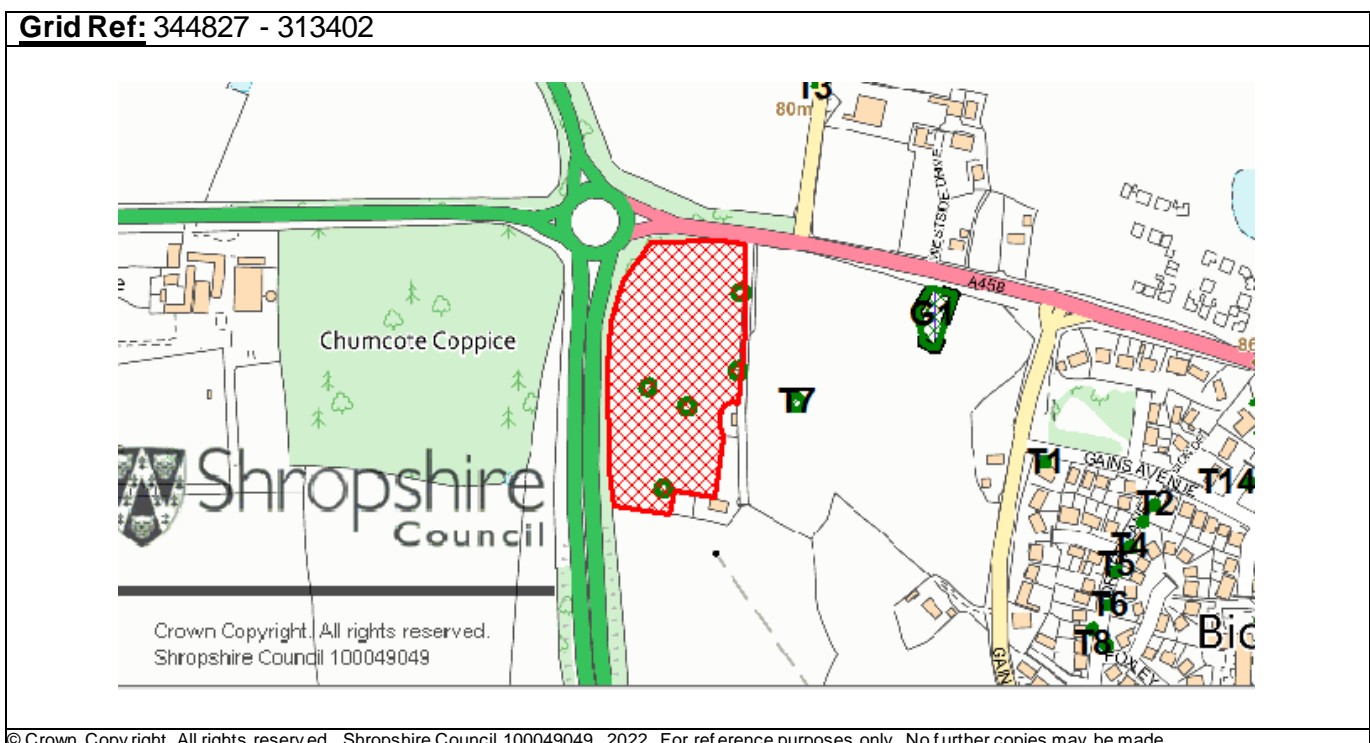
Development Management Report

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

Summary of Application

Application Number: 22/02464/FUL	Parish:	Bicton
Proposal: Development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E)		
Site Address: Land Adjacent To Churncote Island, Welshpool Road/A5 Welshpool Road Bicton Heath Shrewsbury Shropshire		
Applicant: Monte Blackburn Ltd		
Case Officer: Mike Davies	email:	mike.daves.planning@shropshire.gov.uk

Grid Ref: 344827 - 313402



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REPORT**1.0 Committee update.**

1.1 This application for the erection of a mixed-use development for the erection of a roadside services consisting of a Petrol Filling Station and shop with a separate drive-through coffee shop was granted by Planning Committee at their meeting held on 23rd May 2023 subject to a S.106 agreement. The S.106 agreement secured a financial contribution from the developer towards the cost of the North West Relief Road.

1.2 At the meeting there was a discussion around the need for the contribution to be indexed linked. The original S106 agreement which accompanied the original outline approval (14/00246/OUT) for the SUE West apportioned fixed sums to each parcel of development land which were not index linked at the time and it was considered that it would not be appropriate to index link this contribution given that others had not been.

1.3 The applicant had offered a contribution of £80,000 towards the cost of the NWRR on the basis that they could only develop the northern part of the site due to being unable to gain access to the southern element as a result of two veteran trees on site. The committee report and the streamed recording of meeting confirm that approval was granted subject to the payment of this sum. The minutes of the meeting refer to a payment of £88,500.

1.4 Conclusion.

The previously approved minutes should be read in conjunction with this report with regard to the correct amount and it is recommended that the decision can accordingly be granted on the basis of what was actually approved at the previous Committee meeting along with the amendment as set out above. (The financial contribution towards the NWRR as £80,000. Attached as appendix 1 is the previous report to Committee and recommended conditions.

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 Chris Schofield

Local Member

10th October 2023

Land Adjacent To Churncote
Island, Welshpool Road/A5

Cllr Lezley Picton

APPENDIX 1



Committee and date

23rd May 2023

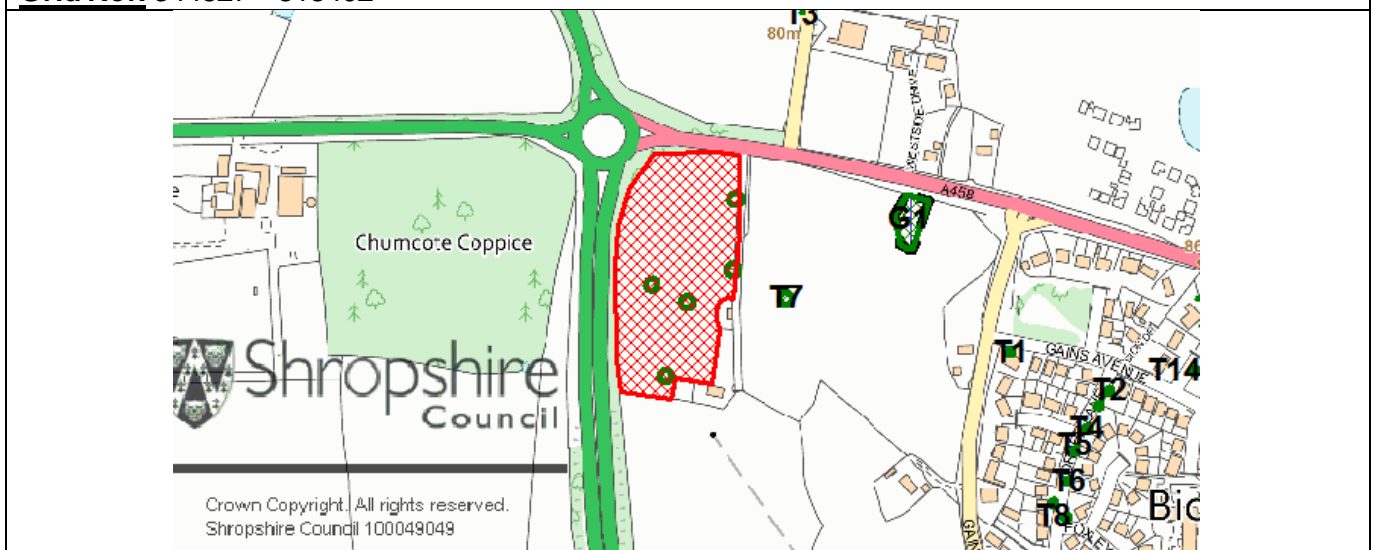
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Applicant: Monte Blackburn Ltd		
Case Officer: Mike Davies	email:	mike.daves.planning@shropshire.gov.uk

Grid Ref: 344827 - 313402



Recommendation:- Grant Permission subject to the conditions as set out in Appendix 1 and the signing of a Section 106 agreement to ensure a financial contribution towards the North West Relief Road in accordance with detail as set out in Section 6.10 of the report copied in below.

REPORT

1.0 THE PROPOSAL

- 1.1 This application was previously deferred by Northern Planning Committee at the meeting on 4th April 2023. The reasons for this were to secure an index linked contribution to the NWRR, a footway to the southern side of Welshpool Road, to investigate alternative access arrangements from the A5, seek dedicated staff parking provision.
- 1.2 This is a full application for the erection of a mixed-use development for the erection of a roadside services consisting of a Petrol Filling Station and shop with a separate drive-through coffee shop.
- 1.3 Outline planning permission for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure was granted under 14/00246/OUT.
- 1.4 Two previous applications for a mixed-use development which included outline consent for offices and one for 4 starter units have been refused over the last couple of years or so, due to concerns in relation to the remove of veteran trees from the site, impact on residential amenity and non-compliance with the SUE West Masterplan.
- 1.5 The new submission seeks to address the issues raised by previous refusals through changes to the site layout and a much-reduced scheme which now only covers the northern part of the site as opposed to the full site which the previous iterations of the proposals included. The revised proposals contain no details of how the southern portion of the site will be accessed or developed in the future or indeed if it will be. The southern element still remains an employment allocation in the development plan but accessing it has proved challenging with the need to retain the veteran trees on the site amongst other issues.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is part of the Shrewsbury SUE West allocation. It is situated to the east of the A5 and south of Welshpool Road. It sits immediately to the south-east of the roundabout at Churncote.
- 2.2 The application site extends to 1 hectare as it only covers the northern part of the site allocation E1 in the SUE West Masterplan and currently comprises agricultural grazing land. The immediate area predominantly comprises a mix of strategic road networks (the A5 runs along the site's western boundary), areas of open pasture fields.
- 2.3 The site forms part of the Shrewsbury West Sustainable Urban Extension, (SWSUE) and specifically falls within an area designated for a mix of commercial and employment uses.
- 2.4 The site is located adjacent to the A5, which is a major routeway that runs from London to Holyhead, via Shrewsbury. Shrewsbury town centre lies approximately 5.2km to the east of the site.
- 2.5 The site is not within an area identified by the Environment Agency's flood risk map as being subject to flooding nor is it identified as being located within a mineral safeguarding area. The site does not contain any listed buildings, nor does it lie within a designated Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have objected to the application along with the Local Member. The officer recommendation differs from the views of the Parish Council and Local Member and these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Team Manager (Planning) in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee.
- 3.2 The application was previously deferred by Committee to allow the applicant in conjunction with officers to address concerns that members had in relation to the proposals. The concerns in particular related to the following items.
- The contribution to the NWRR being index linked
 - Policy S16b – Design having regard to the SUE West Masterplan and the site being identified as a gateway to Shrewsbury
 - Highway Layout on Welshpool Road (Access/Egress)
 - Footway Provision on south of Welshpool Road
 - Adequate Car parking for Staff
 - Electric Vehicle Charging Points

4.0 Community Representations

4.1 Consultee Comment

4.1.1 Bicton Parish Council - objects to this proposal for the following reasons;

1, It is not substantially different from the previous two applications. One of which was withdrawn the other refused.

2, The access from the Welshpool Road will cause congestion and danger. Traffic entering the site, at busy times will back up on to Churncote Island. If the North West Relief Road is built and the island is made a five leg then this will be a nightmare. There will also be extra traffic from the Shrewsbury West Sustainable Urban Extension and if a lorry needs to turn in to the site across all of this traffic it is difficult to see how this will not cause mayhem.

3, At present, at busy times, traffic backs up towards Bicton Heath. An access to this site so close to the island will make safe entering to this site almost impossible.

4, It is contrary to the agreed development principles, of Shropshire Council and Bicton Parish Council, for this site. The agreement was for small scale business development which would create local employment with minimum of traffic flow.

5, The issue with the high-water table, which Severn Trent objected to, remains the same as before.

4.1.2 National Highways - Based on our independent assessment, we note that the likely trip generation from the revised development proposal would result in lesser number of vehicular trips as compared against the previous proposal. As such, the applicant has not undertaken any junction capacity re-assessment in the Technical Note (TN dated 19 August 2021) provided and we consider this to be acceptable.

In line with the above, we have no concerns to raise, and the conditional response previously issued by National Highways remains the same.

4.1.3 SC Highways - Both National Highways (NH) and Shropshire Council Highways raised no objection to the previous application scheme and access details submitted and indeed planning conditions were imposed by both in the event that planning permission were granted. The previous application was of course subsequently refused on grounds, which did not include any highway related reasons.

The current application significantly reduces the scale of the development to simply the provision of a PFS with shop and Coffee Shop Drive-thru. The application is submitted with a Technical Note but makes reference to the Transport Assessment and access details that were previously submitted as part of application reference 21/04495/FUL which was refused. Those access arrangements were the subject

of a Road Safety Audit and aligned with the current NWRR scheme of works proposed to be implemented along Welshpool Road.

Whilst from a highway perspective it is acknowledged that the proposed scheme has been reduced in scale but includes the access proposed previously supported, it is not considered appropriate to impose conditions upon the current application based upon details that were submitted as part of the previous application, but not included with the current application. Those access details previously supported by Shropshire Council Highways and NH therefore should be included within the application submission. I would be obliged therefore if you would request that the access details are submitted and I will be in a position to recommend the imposition of highway conditions as previously was the case.

4.1.4 **County Arborist** - No objection to the proposed development subject to the impositions of tree protection conditions.

There are a number of significant trees on this site, a number protected by a Tree Preservation Order and registered as veteran or notable trees. 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 six individual trees, two groups of trees and two hedgerows 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 with the categorisations for H1, H2 T4, G8 and G10 but consider that the remaining trees T3, T7 – T7 & T9 are substantial elements of the landscape and are veteran or future veteran notable trees and should be category A2,3.

4.1.5 **Environment Agency** - Have no objection to the proposed development and would offer the following comments for consideration at this time.

This site is located above a Principal Aquifer, Source Protection Zone (SPZ3), WFD groundwater body, WFD drinking water protected area and is within 225m of a surface water course. The site is considered to be sensitive, and the proposed filling station and underground storage could present potential pollutant/contaminant linkages to controlled waters.

We have reviewed the applicant's Fuel Storage Feasibility Assessment /qualitative risk assessment and comment from a Protection of Controlled Waters perspective. You should consult your Regulatory Services team in relation to Human Health matters.

It is noted that the Fuel Storage Feasibility Assessment issue 3 dated August 2021 was previously submitted with application 21/04495/FUL and commented upon by us at that time. To ensure consistency our comments reflect those previously issued.

Position Statement D2 – Underground Storage (and associated pipework): We would have no objection to above ground tanks. The facility must comply with the Oil Storage Regulations. Refer to our standard pollution control comments below. Where underground storage is proposed, such as in this instance, we recommend that the applicant mitigates the risks by changing to above ground storage.

However, we will not object to underground storage on principal and secondary aquifers outside SPZ1 if there is evidence of overriding reasons why:

- (a) the activity cannot take place on unproductive strata, and
- (b) the storage must be underground (for example public safety), in which case we expect the risks to be appropriately mitigated, including partially above ground tanks.

The applicant has provided confirmation of the above in the submitted feasibility assessment. We acknowledge there is a balance to be struck between consideration of comments by your Petroleum Officer.

Position Statement D3 – Sub Water Table Storage: For all storage of pollutants underground (hazardous substances and non-hazardous pollutants), operators are expected to adopt appropriate engineering standards and have effective management systems in place. These should consider the nature and volume of the materials stored and the sensitivity of groundwater, including the location with respect to SPZs.

We will normally object to any redevelopment scheme involving retention of sub water table storage of hazardous substances unless it can be demonstrated that risks to groundwater can be adequately mitigated.

We note the applicant has considered our objections raised under application 20/03570/FUL and undertaken an area specific, qualitative risk assessment. Having reviewed the submitted information we would accept, based on the BGS map and the borehole logs presented, that the site is situated on cohesive Glacial Till, to a proven depth of 13.8mbgl in the northwest. This will provide significant natural protection to the

underlying Principal aquifer. Moreover groundwater, where encountered, only seems to be perched and discontinuous / pocketed as a result of the low permeability of this stratum. We also note the intention to install high spec double skinned tanks with interstitial monitoring and alarms, continuous wetstock reconciliation. Moreover, with the Blue Book ruling out the bunding of above-ground petrol tanks, any such storage in case of losses would have to be accommodated within the site's drainage system, putting enormous risk on the surface water environment locally instead.

It should be noted that in accordance with Government Policy detailed in the latest 2021 National Planning Policy Framework (paragraph 184), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Furthermore, as per

NPPF paragraphs 174 and 183 respectively, '...development should, wherever possible, help to improve local environmental conditions such as air and water quality...' and '... after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990...'. Therefore, should any significant contamination not assessed by virtue of this project subsequently become apparent responsibility remains with the developer and/or landowner.

Pollution control: All areas within the curtilage of a filling station should be positively drained on an impervious surface. Any joint in the surface must be adequately sealed and those sealants must be resistant to attack from petrol and oil products.

Surface water drainage from all areas, except uncontaminated roof water, must discharge through a full retention oil / petrol separator. It must be designed to receive flows from storms of 50mm / hour intensity from the connected area, with minimum 6-minute retention. The capacity of the separator should be adequate to contain at least the maximum contents of a compartment of a road tanker likely to deliver petrol at the filling station. Gullies draining to the separator should be of the trapped type to prevent the spread of fire. Oil separators require regular maintenance to ensure they remain effective.

Routine inspections should be undertaken at least every six months and a log maintained of inspection date, depth of oil and any cleaning that is undertaken. Access to the separator should be kept clear and not used for storage.

A separator will not work properly for dissolved (soluble) oils or if detergents or degreasers are present. Such discharges should be drained to the foul sewer.

Other effluents - Vehicle wash waters should not be discharged to surface water drains, watercourses or soakaways, but may be discharged to the foul sewer, subject to the consent of the local sewerage undertaker. In the absence of a suitable foul sewer, such effluents should be contained in a sealed storage vessel and either recirculated or disposed of off-site. A dedicated area, graded to ensure wash waters are directed to the effluent collection point, should be provided.

Forecourts that drain to either foul or combined sewers which discharge to a treatment plant, degreasing or steam cleaning of the forecourt shall not take place unless:

- i) Any liquid is soaked up using absorbent material which is suitably disposed of off-site at an appropriate waste facility. Sealing of gullies will be necessary during these operations to prevent liquid or absorbent entering the drainage system, or
- ii) A closure valve is fitted at the oil separator outlet, which is closed during the cleaning operation and all accumulated washings removed for suitable disposal off-site. An alarm should be installed to indicate that the closure valve is in the 'shut' position.

Fuel Storage - Where pollutants are stored underground we would expect operators to adopt appropriate engineering standards. For petrol stations, systems should meet the specifications within the 'Blue Book' (APEA, 2011) as a minimum requirement with monitoring systems.

- 4.1.6 **Local Lead Flood Authority** - 1. Reference should be made to Shropshire Councils SuDS Handbook which can be found on the website at <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/> Appendix A1 - Surface Water Drainage Proforma for Major Developments must be completed and together with associated drainage details, be submitted for approval.
2. Shropshire Council will generally not accept a pumped solution due to the obvious risks of flooding as a result of pump failure. It is assumed that the drainage systems will not be offered for adoption, but in order to reduce flood risk, Shropshire Council would require the safeguards as stated in the guidance (SewerSector Guidance Design and Construction for foul and surface water sewers Appendix C paragraph D5.5). This states that additional attenuation is required for pumped systems.
3. No further comment can be made due to the lack of levels and drainage design and a pre-commencement condition requiring the submission of further details to ensure satisfactory drainage of the site and to avoid flooding is recommended.

- 4.1.7 **Regulatory Services** - Should permission be granted then the construction of the petrol site must be in accordance with the 4th Edition of the Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (The Blue Book) and it is requested that plans should be submitted to the Petroleum Enforcement Authority at least 28 days prior to commencement of any works, in order that any queries can be clarified and ultimately to ensure that a Petrol Certificate can be issued.

Previous comments in relation to the safety of above ground and below ground tanks detailed in the appendix of the Fuel Feasibility Report still stand.

However it is noted that the plans submitted do not identify the proposed tank location on the site and as such no comments can be made on any possible issues relating to the tanker access and egress routes, the location of the tanker stand and the tankers exit in case of emergency, there may be safety issues caused by traffic use/conflicts in the HGV area or public utilising the site during fuel tanker deliveries and ensuring the tanker escape route is being maintained. It is further noted that the proposed petrol forecourt layout plan in the aforementioned study is a different layout to that detailed on the OS map design submitted.

- 4.1.8 **County Archaeologist** - Currently the Shropshire Historic Environment Record (HER) contains no records of designated heritage assets or known non-designated heritage assets with archaeological interest within the boundary of the proposed development site. However, a Desk Based Heritage Assessment was prepared by RPS Group as part of a previous outline application (14/00246/OUT) that included the proposed development site. This concluded that in overall terms there is low-medium potential for archaeological remains to be present and we concur with this assessment.
- 4.1.9 **County Ecologist** - Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
- 4.1.10 **Planning Policy** – There is a recognition that this proposal raises several planning policies issues in relation to the delivery of the SUE West Masterplan. Clearly, there are both positive as well as negative connotations arising from the proposals. The ability to deliver the business park envisaged in the Masterplan has been severely impacted by the pandemic and the market appetite to develop speculative office accommodation is non-existent at the present time with little prospect of any confidence returning anytime soon. The policy context of the

application is therefore discussed in greater detail within paragraph 6.1 The Principle of Development of this report.

4.1.11 **CPRE** Shrewsbury District – Objects to the proposals on the following grounds:

- Archaeology - since this is a known site of potential archaeological interest, the land should remain undisturbed.
- Removing ancient hedgerows would endanger wildlife corridors. CPRE Shropshire is carrying out hedgerow repair and replacement to sustain and encourage the wildlife in our county.
- There is no strong case for yet another petrol station and associated retail businesses.
- The UK is moving away from petrol/diesel use.
- How would the proposed staff access the site - by car? Shropshire Council should be promoting the use of buses, cycles and pedestrianisation for working people to travel to and from their place of employment.
- There is no proper footpath planned on either side of the road alongside the proposed development.
- As in the case of the approved Meole Brace development and the new Aldi store at Battlefield, this proposed development again is so close to a major roundabout on the A5 road, which links south and west Wales, that serious road accidents could occur.
- There is also the issue of the planned drainage system being inadequate which, in turn, could cause flooding and pollution of the water table.

4.2 Public Comments

4.2.1 18 objections to the proposals have been received from members of the public. The reasons for objecting can be summarised as followed.

- Traffic congestion will be exacerbated further by development
- Highway Safety concerns
- Far too many road junctions close to the site
- Increased Air and Noise Pollution
- Concern at pollution of water table and aquifer
- Would change the semi-rural character of the town approaching from Welshpool
- Existing trees have been acknowledged as exceptional and siting development next to them will adversely impact them with additional air and water pollution
- Existing wildlife which uses the site will be displaced and adversely affected
- There is a climate change emergency covering everything in tarmac and concrete will only make this worse
- Residential amenity concerns arising from 24/7 use
- Increased littering

- Will contribute to unhealthy lifestyles and eating habits
- Will encourage more car journeys
- No impact assessment on existing local businesses
- No benefits to local residents
- Design does not meet the high-quality expectations expressed in SUE West Masterplan for gateway employment site
- Roadside services were not envisaged on this site in SUE West Masterplan therefore proper mitigation is required to ensure future adjoining residents amenities are protected.
- Proposals contrary to SUE West Masterplan and policies CS6, MD2 and MD12 of the Development Plan and the paras 8 and 170 of the NPPF.
- Under the new Environment Act are required to demonstrate Biodiversity Net Gain and therefore the whole site should be set aside for future generations to enjoy wildlife
- Loss of 40m of hedgerow damaging to biodiversity and irreplaceable irrespective of compensatory planting
- No detail about what will happen to the southern portion of the site
- Site of archaeological interest
- Whilst the application is an improvement on previous proposals it does not go far enough

4.2.2 A number of non-material planning objections were also raised which are summarised below, however these are not considerations in the decision making.

- The applicant will have a disproportionate share of the fuel market in Shrewsbury
- Prices are high in comparison to others
- Already two existing PFS nearby which will suffer
- Poor record of employee satisfaction
- A more suitable provider should be found to run the PFS.
- No need for further PFS
- Development should be put on hold till new houses built on adjoining site
- Site should be used for sports pitches and outdoor recreation

4.2.3 At the previous Committee when this matter was deferred the applicants agent spoke in support of the application. With Bicton Parish Council and a local resident speaking against the application.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping
- Highways and Transportation

- Residential Amenity
- Employment
- Ecology
- Drainage
- Archaeology
- NWRR Contribution
- Sustainability
- Environmental Information Assessment

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The relevant Development Plan Policies are provided within the Shropshire Core Strategy (2011); Site Allocations and Management of Development Plan (2015); Sustainable Design SPD (July 2011); Developers Contributions SPD (July 2011) and National Planning Policy Framework (NPPF) (2021). Those of relevance to the proposal are considered below as part of the appraisal.

6.1.2 A key objective of both national and local planning policy is to concentrate new development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1 and CS2 set out the spatial policies for Shrewsbury. This site forms part of the Shrewsbury West Sustainable Urban Extension (SUE West) and is an allocated employment site within the SAMDev Plan. Policy S16.1b.

6.1.3 Development to deliver comprehensively planned, integrated and phased development of the SUE having regard to the SUE Land Use Plan (Figure S16.1.2) and adopted masterplan. Development to include the provision of a new Oxon Link Road and facilitation of the improvement of the A5 Churncote Island, sustainable transport measures, an enhanced local centre at Bicton Heath, and major landscape buffers and public open space, linked with additional employment land extending Oxon Business Park and on the gateway land by the Churncote Island, and land for additional health/care development/expansion of existing businesses off Clayton Way. Some land of Clayton Way is within groundwater Source Protection Zones (SPZ) 1 and 2 so development there must be carefully designed to take account of this, in consultation with the Environment Agency. A site-specific flood risk assessment is required for this site.

The SUE West Masterplan vision states "Shrewsbury West will create a distinctive, high quality place which maintains and enhances the qualities and character of Shrewsbury, linking with and consolidating existing development and facilities and providing a new gateway commercial area off the A5 Churncote Island. New exciting and distinctive places to

live, work and play will be created which do not copy older neighbourhoods and instead embrace contemporary approaches to high quality design."

- 6.1.4 The application site is part of the western area of the Shrewsbury West Sustainable Urban Extension (SUE West). SUE West is allocated in the SAMDev Plan (2015) for mixed use development and considered suitable for housing, retail in a local centre, office and business uses, light and general industry, health/care facilities, hotel and pub/restaurant. This site forms part of the Churncote Business Area in the Masterplan (Site E1). The masterplan envisages Business and office space with potential for a hotel use and pub/restaurant on this site with a high-quality design appropriate to gateway location.
- 6.1.5 Policy CS1 seeks to ensure Shropshire will flourish by accommodating investment and new development to meet Shropshire's needs and to make its settlements more sustainable. Policy CS1 promotes Shrewsbury as a sub-regional centre in the West Midlands and the principal growth point in the County. This application reflects these strategic objectives by recognising that Shrewsbury is the preferred location for significant development and the main centre for employment and services.
- 6.1.6 Policy CS2 promotes the strategic role of Shrewsbury through the provision of 9-12 hectares of employment land at SUE West for good quality, balanced and sustainable employment growth, that respects the natural, built and historic environment, to improve prosperity in Shrewsbury and Shropshire. However, the proposed development is not considered to make a significant contribution to the economic growth objectives in Policy CS2 and so, requires further detailed consideration in relation to Policies S16.1 and MD4.
- 6.1.7 Policy CS13 sets out the strategy for economic development in the County. This seeks to address the key issues and challenges of the Shropshire economy to further develop its strengths and opportunities. It provides a positive framework for sustainable economic development that seeks to promote the growth of existing businesses, foster new enterprise and to help make communities more prosperous and resilient. In relation to Policy CS13, the proposed development would contribute to the role of Shrewsbury as the principal growth point of the county and the main business, service and visitor centre for its communities and visitor economy.
- 6.1.8 Policy CS14 further expresses the positive, planning policy framework in Policy CS13 to support sustainable economic development. Furthermore, Policy CS14 seeks to ensure the portfolio of employment

land and premises in the Local Plan will be sufficient to deliver other significant land uses that meet the needs of businesses and communities in the county. This includes land uses that help to create or maintain sustainable communities as indicated by Policies CS6 and CS8. These are material considerations that should be taken into account in assessing 22/02464/FUL in relation to Policies MD1(1)&(2), S16.1 and MD4(2)(ii).

- 6.1.9 Policy CS6 states that development likely to generate significant traffic will be located in accessible locations. This will also help promote active travel and public transport use to contribute to the health and wellbeing of communities. These developments should also be designed to a high quality as safe and accessible buildings with appropriate landscaping and car parking provision and protect the natural, built, and historic environment. These matters are addressed in detail in Policy MD2 that seeks to ensure development is sustainably designed. It is considered that the revised scheme has sought to address these policy objectives, by retaining the veteran trees, including an acoustic fence and moving development away from existing residential property. These are material considerations to be taken into account in determining the proposals.
- 6.1.10 Policy CS8 seeks to ensure that development will preserve and improve access to facilities and services wherever possible. In particular, Policy CS8 seeks to positively encourage the provision of infrastructure and additional facilities in a timely manner to meet identified needs in a locality. It is also recognised that these developments should manage any impacts on recognised environmental assets. These matters are addressed in detail in Policy MD8 that seeks to ensure the sustainable provision of infrastructure. It is considered that the revised scheme has addressed these policy objectives, and these are material considerations to be taken into account in determining this application.
- 6.1.11 In relation to Policy CS8, the revised scheme may be regarded as an appropriate and timely provision of strategic and local roadside services to meet anticipated increases in demand from the A5 Shrewsbury bypass, the potential delivery of the North West Relief Road connection with Churncote Island and the growth of the residential community on the SUE West urban extension.
- 6.1.12 This is consistent with the SUE West Masterplan Vision to ensure the urban extension delivers a distinctive, high-quality place that enhances the services, character and community of Shrewsbury. The early provision of services at Churncote South for SUE West and the NWRR might have a short-term impact on existing services within the west of Shrewsbury and in villages close to Shrewsbury. However, strategic and local demands for the proposed services at Churncote South are

expected to significantly increase with the ongoing development of SUE West and the potential provision of the A53 North West Relief Road connection with the A5 by-pass which is the subject of a current planning application.

- 6.1.13 The revised scheme has a reduced development footprint that makes a significant contribution to the objectives of Policies CS17 and CS6 which seek to protect the natural environment. The revised scheme recognises the constraints on the application site due to its location in the landscape on the edge of Shrewsbury and the presence of significant and veteran trees on the site, now protected by a TPO. It is recognised that the revised scheme has relocated development away from the area of the TPO to safeguard the root protection zones of these important trees.
- 6.1.13 Policy MD12(2) recognises that the protection of our natural assets contributes to the quality and sustainability of the Shropshire environment. Policy MD12 also recognises that the benefits of maintaining a healthy, sustainable environment also contributes to the promotion of a thriving economy, in paragraph 3.107. Policy MD12(3) encourages development that conserves, enhances or restores natural assets and to maintain local distinctiveness, biodiversity and to contribute to the character of development, settlements and their settings.
- 6.1.14 The proposals seek to contribute to the sustainability of the environmental network around the west of Shrewsbury by protecting the veteran trees. The proposed layout of the development contributes to the local landscape and may facilitate the movement of wildlife between the townscape and rural landscape through the retention of these veteran trees which provide irreplaceable habitat. These objectives of the revised scheme are consistent with the design principles of the SUE West Masterplan.
- 6.1.15 Policy S16.1(5) requires the type of development to support the principles of the SUE Masterplan. It has been recognised under Policy CS1, that the revised scheme supports Shrewsbury's role as the preferred location for significant development and the main centre for employment and services.
- 6.1.16 In Policy CS8, the revised scheme would support the SUE West Masterplan Vision by ensuring SUE West delivers a distinctive, high-quality place that enhances the services, character and community of Shrewsbury. Further, the revised scheme might be regarded as an appropriate and timely provision of strategic and local roadside services to the SUE West and the potential A53 North West Relief Road and Oxon Link connection with Churncote Island.

- 6.1.17 Policy S16.1 provides no further significant support to the recognition in Policies CS1 of its strategic location in Shrewsbury and Policies CS13, CS14 and CS8 of its contribution to the role of Shrewsbury as the main urban centre, the principal growth point and main business, service and visitor centre for Shropshire.
- 6.1.18 Policy S16.1(5) requires the proposed development to deliver the type of employment development required in Policy CS2 and the SUE Land Use Plan Figure S16.1.2. It has been recognised that roadside service uses would not make a significant contribution to these economic growth objectives.
- 6.1.19 The proposed roadside service uses would prevent the delivery of the preferred type of employment development for the new gateway commercial area on employment allocation ELR064 Churncote South. The SUE West Masterplan provides detailed guidance on the requirement for Churncote South to provide a new gateway business area with business units and office space with an exclusive access off the A5. This requirement for a gateway business park is a significant issue for the suitability of the revised scheme.
- 6.1.20 Policy MD4 establishes the policy tests for employment development arising from the positive planning framework to support sustainable employment development in Policies CS13 and CS14. The revised scheme in 22/02464/FUL is located on allocated employment site ELR064 in Shrewsbury and considered to be partially consistent with MD4(1). In particular, the proposals offer a scheme within a sustainable location in our county in the context of Policies CS1 and CS2 which outline the strategic approach of the Local Plan Policies CS13, CS14 and CS8 further help to strengthen the role of Shrewsbury as the main centre for employment and services, support significant new development and infrastructure and maintain sustainable communities.
- 6.1.21 However, the application still conflicts with Policy MD4(1) as the revised scheme is not for business, industrial or related sui generis uses but provides retail services to visiting members of the public. These circumstances are further evidenced by the conflict between the proposed development and the detailed land use requirements of Policy S16.1 and the SUE West Masterplan.
- 6.1.22 The flexibility provided by Policy MD4(2), in relation to Core Strategy Policies CS13 and CS14, does recognise that proposals for alternative land uses on allocated employment sites may be considered. Policy MD4(2) recognises these alternative proposals where (i) it can be demonstrated that there are no other suitable development sites, (ii) the proposed development may provide significant employment opportunities or significant benefits to the sustainability of the community and the (iii)

proposed development will not adversely affect the range and choice of available employment sites should the proposed development be permitted.

- 6.1.23 In relation to MD4(2)(i), the applicant does not appear to address the matter of alternative locations for the proposed roadside services. The application site at Churncote South would still appear to be an appropriate location for such uses, particularly with the intended provision of the A53 North West Relief Road and Oxon Link connection with the Shrewsbury A5 by-pass at Churncote Island.
- 6.1.24 In relation to MD4(2)(ii), the benefits of these proposals for the sustainability of the community of Shrewsbury have been addressed, with a specific focus on the retention of the veteran trees on site, and the proposed integration of the site into the wider SUE West.
- 6.1.25 In relation to MD4(2)(iii), the proposals for SUE West in Policies CS2, S16.1 and supported by the SUE West Masterplan set out an overall requirement for the development of 9 – 12 hectares of employment development. This anticipates that a minimum of 9 hectares would be developed to satisfy the requirements of Policies CS1 (strategic approach), MD1(1)&(2) (scale and distribution of development) and MD4 (managing employment development). It is considered that 9 hectares of employment development may still be provided on the remaining employment land at Churncote North (excluding the application site) and on employment land in the east of the SUE around the existing Oxon Business Park. It should be noted that Oxon Business Park already has an established reputation for good quality employment floorspace and a proven record of business investment. The revised scheme with around 1 hectare of built development may be considered as part of the residual 3 hectares (for the full 12 hectares required) to broaden the range of land uses on SUE West.
- 6.1.26 The alternative land uses on the revised scheme might reasonably be considered to support the community of the SUE West and the other communities and visitors in Shrewsbury. The revised scheme also offers 'service' uses to support the strategic road network through Shropshire. This is recognised in the SUE Masterplan which regards Churncote Island as suitable for a range of business and commercial uses and appropriate service uses at the junction with the A5 bypass.
- 6.1.27 Turning to the emerging local plan, Policy SP13 contributes to the economic vision and strategy for Shropshire by providing certainty in the delivery of economic growth and the strategic land supply. SP13 identifies those land uses taken to be 'employment generating uses' following changes to the Use Classes Order in 2020. This change combined some of the Class B uses recognised in Policy MD4 for

offices, research and development and light industrial uses along with other land uses into a new class of 'service' uses known as Class E. Whilst the petrol filling station with ancillary retail use is not part of Class E and is considered separately, the coffee shop with drive through facility is a Class E(b) food and drink use. Policy SP13 will regard the coffee shop as an 'ancillary' employment use offering an 'essential' service for the daily needs of other land uses in the locality. This policy change would mitigate to some degree the loss of 4 No. business starter units following the refusal of the larger scheme in 21/04495/FUL.

- 6.1.28 Policy SP14 promotes the strategic road network through Shropshire as a focus for the strategy in the Local Plan. Policy SP14 supports the revised scheme along the Shrewsbury A5 by-pass in addition to Policy CS1. It should be noted that, at this stage of plan preparation, only very limited weight should be attached to these draft policies.
- 6.2 Siting, scale and design of structure
- 6.2.1 The size and scale of this proposal is significantly reduced when compared to the two previous proposals. The latest proposals only cover the northern portion of the site and no longer extend beyond the veteran trees in the centre of the site to the southern part of the allocation. The issue around the retention of the veteran trees as well as amenity impacts on the dwelling on the south-eastern corner of the site have resulted in the applicants scaling their proposals back considerably.
- 6.2.2 The development will now consist of a drive through coffee shop and the Petrol Filling Station (PFS) with shop, with the southern portion of the site remaining undeveloped at the present time. Assuming the development goes ahead in this form, it is unlikely that the remainder of the allocated site to the south would be developed as gaining access to the remainder of the land from the north in future would be very challenging given the central location of the veteran trees on the site and other constraints. Therefore, the proposals as set out probably offer the optimal development of the site whilst not impacting on the long-term health of the veteran trees and the amenities of the residential property in the south-eastern corner of the southern portion of the site.
- 6.2.3 Clearly, the development of the southern part of the site is going to be dictated by the ability of a future developer to gain access to it, as the position of the veteran trees in the centre of the site and their root protection zones mean that vehicular access from the north is going to be very difficult to achieve in future. The current application is considered to sit well within the northern part of the site and is considered acceptable in terms of siting, scale and design for a development of this type.
- 6.3 Visual impact and landscaping

- 6.3.1 The site is currently a greenfield site situated on the south-eastern corner of the Churncote roundabout with the A5 running down its western boundary and Welshpool Road forming its northern boundary. The site acts as a gateway to the county town and as such the form any future development takes is important in terms of the image it portrays to visitors to the town.
- 6.3.2 The original proposals envisage the site being cleared despite the presence of veteran trees on the site that were flagged up at pre-application stage as being important and needing to be retained as part of any development of this site.
- 6.3.3 The new proposals are significantly scaled back and retain the veteran trees on site, which is considered extremely important as these are a finite resource which are irreplaceable. A high-quality landscaping scheme will also be required via condition to mitigate the impacts of the proposals and provide appropriate screening of the site.
- 6.3.4 The visual impact of the development is considered to be acceptable and with a high-quality landscape scheme it should blend into its surroundings.
- 6.4 Highways and Transportation
- 6.4.1 Access to the site will be from the north of the site off Welshpool Road. Concerns have been raised by objectors to the access/egress arrangements, however neither Highways England nor the Highways Authority have raised objections to the proposals. A right-hand turn lane on Welshpool Road will accommodate visitors to the site approaching from the west and this will ensure the continued free flow of traffic off the Churncote Roundabout heading towards Shrewsbury.
- 6.4.2 The revised internal site layout features a higher level of connectivity between each of the proposed elements of the scheme, for vehicles, cyclists, and pedestrians, to ensure that all users of the site are not prejudiced, with safe and convenient access into each part of the site as necessary, with secure bicycle storage provided across the site. Pedestrians access the site from the northeast, with designated pathways and crossing areas between each of the proposed units to ensure high levels of interconnectivity.
- 6.4.3 Six bays within the provided parking area will be allocated to staff, which was a concern of members when the application was previously considered, it is anticipated that the majority of site staff will be part time, and as such not all members of staff will be utilising the car park at the same time. Therefore, the parking provision is considered adequate to serve the staff anticipated at the site required for the PFS and coffee shop operations. An additional condition has now been suggested to

control the future use of the coffee shop on site to ensure any future use does not adversely impact the highway network or result in increased parking demand.

- 6.4.4 A public footpath will be provided along the northern perimeter of the site with Welshpool Road which will provide a pedestrian link on the southern side of the A458 between the Churncote Roundabout and the recently approved residential development on Site R2 of the SUE West Masterplan which also has a footpath running the length of its frontage with Welshpool Road. The Committee previously requested that provision of this footpath link be investigated.
- 6.4.5 When the application was previously considered members expressed concerns about the access to the site and requested that the possibility of an access only from the A5 be explored with egress only onto Welshpool Road. The A5 is managed by National Highways, and they have indicated that they would not support an access point off the A5 to the south of the Churncote Roadabout. A review of NH Policy has also previously been undertaken, which confirms that new junctions should not be sought on the Strategic Road Network (SRN) for roads of this standard.
- 6.4.6 Turning to the Right Hand turn ingress from Welshpool Road. A similar development (ref. 20/0350/FUL) was supported by a Transport Assessment (TA), which presented junction capacity assessments. The quantum of development proposed at that stage was for a larger scheme than is now included in the current application. The capacity assessments, undertaken using industry standard software, which have subsequently been accepted by both the Highway Authority and National Highways, forecasted a worst-case scenario of just one queuing vehicle as the average maximum queue result over the peak hours at the proposed priority-controlled site access junction based on this larger development quantum. The Ratio of Flow to Capacity (RFC) results for the future assessment year for the right turn are less than 0.25, meaning that the anticipated demand of the earlier, larger, scheme would be less than 25% of the overall capacity of the new access in the busiest peak hours.
- 6.4.7 Notwithstanding the negligible potential queuing of vehicles accessing the site, the right-hand turn lane the site allows approximately 50m of storage space before which any queue would exceed the dedicated right turn lane, with a further 40m available to the roundabout beyond this. Furthermore, as evidenced in previously submitted TA documents, assessment scenarios have shown low levels of opposing traffic flows, relative to the capacity of the link (around one third of capacity), further minimising any potential impact of the site access on the highway

network and that this arrangement would be fit for purpose to serve the development proposals.

- 6.4.8 In relation to the site egress the proposed egress arrangements for the site have been assessed and agreed with both authorities, as set out above in relation to the access movements.
- 6.4.9 The egress from the site has sufficient width to allow vehicles to still turn left whilst there are vehicles waiting to turn right out of the site, as the right turning vehicles will not impede the movements of vehicles turning left from the egress of the site. Given the location of the site in relation to the adjacent roundabout and the SRN this means a clear majority of the traffic exiting the site would be turning left, as set out in the submitted TA and TN reports and agreed with the Highway Authority and National Highways. In summary, the road safety issues in relation to the proposed access and egress to the site have been carefully assessed using accepted industry modelling and the assessment demonstrates that the highway arrangements are acceptable.
- 6.5 Residential Amenity
- 6.5.1 The development of the northern part of the site as proposed is unlikely to impact the amenities of the residential property located on the southeast corner of the southern portion of the site as the development is much further away than the previous iterations. This has always been a concern in relation to the two previous proposals put forward by the applicant which envisaged the development of the whole site.
- 6.5.2 The revised scheme also incorporates a 2.5m high acoustic fence around the southern and eastern boundaries of the site; this will help to minimise any potential noise issues upon future and existing neighbouring development. This is confirmed within the revised noise assessment, which states that the “potential impact of noise from the proposed development is not predicted to be significant and no additional mitigation is required” following the installation of the acoustic fencing.
- 6.6 Employment
- 6.6.1 The site is allocated for future employment development in the development plan and is included in the SUE West Masterplan. The onset of the coronavirus pandemic saw a shift in the way people work with many companies switching to a home working model. As things return to normality there has been a shift towards a hybrid working model between the home and office. Research suggests that workers are now spending about half as much time in the office as they previously did, and this has seen demand for new office accommodation shrink dramatically.

- 6.6.2 The application states that the proposals will create the equivalent of 21-Full Time jobs on site with the majority being part time. The scale and type of jobs the development will create do not necessarily align with the original vision for the site. Clearly, both the quality and quantity of jobs has significantly diminished in relation to the Masterplan vision and this is a concern in relation to these proposals. Equally, there needs to be degree of reality about the future prospects of this site coming forward as a business park given that the veteran trees on site place a major constraint on the ability to gain access to the southern part of the site from the north.
- 6.7 Ecology
- 6.7.1 An ecology report has been submitted in support of the application and the County Ecologist accepts the contents and recommendation. Appropriate conditions are recommended to be attached to any permission granted to ensure compliance with Development Plan policies MD12 and CS17, as well as the NPPF.
- 6.7.2 The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework. This proposed development site lies within the Environmental Network. As such, the proposed scheme is considered to assist in 'promoting the conservation, restoration and enhancement of priority habitats and ecological networks' as required by paragraph 174 of the National Planning Policy Framework and provide a net gain in biodiversity which will be secured via condition. At present as long as a net gain can be demonstrated no matter how small this is sufficient to meet current requirements.
- 6.7.3 The applicants have indicated that due to the root protection zone around the two veteran oak trees in the middle of the site, providing a vehicular access to the southern portion of site from the north is not achievable. It has therefore been decided that it is not practical to develop this part of the site and instead it will now be left as a wildflower meadow. Clearly, this has benefits in terms of biodiversity and is welcomed.
- 6.8 Drainage
- 6.8.1 A site-specific flood risk assessment has been submitted, and conditions are recommended by the LLFA to mitigate against any impacts of the development. The Environment Agency have no objections to the proposals subject to appropriate mitigation measures being incorporated into the design. There are no watercourses in the immediate vicinity of the site which could be adversely impacted by surface water run-off. The detail design of the site drainage will be secured via conditions.

- 6.8.2 The development will be subject to the groundwater protection code of practice on how to prevent pollution from petrol, diesel and other fuel tanks. This code has advice and good practice on how to protect groundwater when storing liquid fuels in USTs. This code offers the best environmental options for facilities. The Environment Agency monitor that the code is being followed.
- 6.9 Archaeology
- 6.9.1 The Desk Based Heritage Assessment by RPS Group dated February 2013 continues to provide sufficient information regarding to archaeological interest of the proposed development site in relation to the requirements of Policy MD13 of the Local Plan and Paragraph 194 of the NPPF (July 2021). The County Archaeologist continues to concur with its findings regarding the archaeological potential of the proposed development site.
- 6.9.2 There is no objection in principle to the proposed development from an historic environment perspective. However, it is advised, in line with Policy MD13 of the Local Plan and Paragraph 205 of the NPPF (July 2021), that a phased programme of archaeological work be made a condition of any planning permission. This would consist of an initial geophysical survey and targeted trial trenching, followed by further mitigation as appropriate.
- 6.10 NWRR Financial Contributions
- 6.10.1 Under outline planning permission 14/00246/OUT, landowners and the Council agreed an apportionment of cost contributions towards the NWRR from each site in the SUE West. The contribution apportioned to Site E1 was £177,000, which was based on this being an employment allocation and on the size of the site.
- 6.10.2 The proposals which have now come forward envisage a very different type of development on the site. It also needs to be noted that the proposals only cover the northern portion of the site, with the southern part being left undeveloped as a wildflower meadow. The applicant on purchasing the site would have been aware of the employment allocation and the expected financial contribution that the site was expected to make to the NWRR. The applicant has indicated that they are prepared to make a contribution towards the costs of the NWRR and offered a sum of £80,000 based on traffic modelling they have undertaken. This is considered to be acceptable given the reduced scale of development and will be secured via a planning obligation.
- 6.10.3 At the last meeting, members expressed concern about the contributions in the original planning obligation being fixed and not index linked given that this had originally been signed several years back. The applicant

has agreed in principle to the idea of the contribution being index linked as requested by the elected members.

6.11 Sustainability

6.11.1 The proposals include for Rapid EV charging points on site. The EVCP (to be installed at the site) are the top end ultra-rapid chargers, which can fully charge vehicles in roughly 20 mins. Rapid EVCP typically take between 30-60 mins, there are currently 3 rapid chargers in Shrewsbury Town Centre, one at Morrisons and two at the Bannatyne Health Club. Therefore, these proposals will significantly enhance the EVCP in the town thus encourages more vehicle owners to switch to electric vehicles in the future.

6.12 Environment Information Assessment

6.12.1 The EIA Regs in Schedule 2 identify that Motorway Service Areas over 0.5 hectares may need to undertake an EIA assessment. The development here no longer impacts the veteran trees and only covers around half the site allocation. It is therefore deemed that an EIA assessment is not necessary in this case as impacts are not considered to warrant such an approach.

7.0 CONCLUSION

7.1 The application should be determined with due regard to the adopted development plan policies outlined above, as well as the adopted SUE West Masterplan as a further material consideration. In addition, planning judgement should clearly reflect upon the material considerations for the revised scheme. Of particular consideration in this context is the constraint placed upon the wider delivery of the site through the presence of the veteran trees, and protection of the TPO in the proposal is welcomed.

7.2 The policy considerations including the locational support for the role of Shrewsbury, the timely provision of service infrastructure to support the strategic road network and SUE West community and protection of the environmental network in the west of Shrewsbury would 'on balance' support the suitability of the proposals.

7.3 A determination that this scheme is considered acceptable, would engage the S106 agreement under outline proposal in permission 14/00246/OUT, for this site to contribute £176,867 to support the delivery of the Oxon Link element of the North West Relief Road connecting with the A5 Shrewsbury by-pass.

7.4 The current proposals only envisage half of the site allocation being developed under this application and this potentially will result in the southern part of the site which forms part of the employment allocation of the site remaining undeveloped in the future as access to this part of the

site will become even more problematic than it has already proven to be from the north.

7.5 The landscape in terms of demand for employment sites and in particular office accommodation has shifted significantly as a result of the pandemic and the move towards permanent home or hybrid working arrangements. This site was originally envisaged in the SUE West Masterplan as a business park, but the prospect of this being delivered within the current economic climate and with the changes in working practices highlighted above mean that such a development is unlikely now.

7.6 Clearly, the proposals will deliver employment opportunities, however these are not of the calibre originally envisaged when the SUE West Masterplan was drawn up, however the applicant has agreed to make a financial contribution towards the NWRP with this being written into a standalone S.106 agreement.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
CS1 - Strategic Approach
CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles
CS7 - Communications and Transport
CS8 - Facilities, Services and Infrastructure Provision
CS9 - Infrastructure Contributions
CS13 - Economic Development, Enterprise and Employment
Economic Development, Enterprise and Employment
CS14 - Managed Release of Employment Land
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD4 - Managing Employment Development
MD10B - Impact Assessments for Town and Rural Centres
MD12 - Natural Environment
Settlement: S16 - Shrewsbury
SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

19/05247/DIS Discharge of condition 4 (Full Arboricultural Impact Assessment) 11 (CMS) 13 (Ecology) 17 (Materials) 18 (Drainage Details) 22 (Drainage - Surface Water) 23 (Foundations) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 20th May 2020

20/01667/AMP Non Material Amendment to previously approved (19/05386/DIS) Condition 12 (Construction Environmental Management Plan) to Planning Permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 5th May 2020

20/04924/DIS Discharge of condition 10 (Badger Inspection) attached to planning permission 14/00246/OUT DISAPP 7th January 2021

21/00425/DIS Discharge of condition 16 (Contamination) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 1st March 2021

22/02464/FUL Development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E) PDE

14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 13th September 2019

PREAPP/17/00351 Proposed development of a petrol filling station with ancillary retail store, drive through cafe, hotel and pub/restaurant together with access, parking and landscaping works PREAMD 17th August 2017

PREAPP/19/00374 Erection of new foodstore, employment unit, car parking, access and ancillary landscaping NPW 1st October 2021

19/05247/DIS Discharge of condition 4 (Full Arboricultural Impact Assessment) 11 (CMS) 13 (Ecology) 17 (Materials) 18 (Drainage Details) 22 (Drainage - Surface Water) 23 (Foundations) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 20th May 2020

20/01667/AMP Non Material Amendment to previously approved (19/05386/DIS) Condition 12 (Construction Environmental Management Plan) to Planning Permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 5th May 2020

20/03570/FUL Hybrid application for a mixed-use development - FULL consent For formation of roadside services including a petrol filling station, a drive-through restaurant; drive-through coffee shop; creation of new vehicular access (off A458); on-site roads and parking areas; landscaping scheme; and, OUTLINE consent (access for consideration) for the erection of offices (Use Class B1) WDN 3rd June 2021

20/04924/DIS Discharge of condition 10 (Badger Inspection) attached to planning permission 14/00246/OUT DISAPP 7th January 2021

21/00425/DIS Discharge of condition 16 (Contamination) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 1st March 2021

21/04495/FUL Roadside Services development to include Petrol Filling Station with ancillary retail; drive-through coffee shop, drive-through restaurant and the erection of 4 no. Business Starter Units REFUSE 25th March 2022

22/02464/FUL Development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E) PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCGA2LTDG9V00>

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 Richard Marshall

Local Member

Cllr Lezley Picton

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

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

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

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

3. No 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

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

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

5. Prior to the commencement of development on site details of the means of access, including the location, layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (which ever is the sooner).

Reason: This detail is required prior to commencement to ensure a satisfactory means of access to the highway.

6. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

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 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.

8. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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

Reason: To prevent pollution of the water environment.

10. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

11. 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.

12. Prior to commencement, an Ecological Impact Assessment shall be submitted, together with any required phase 2 surveys. The assessment will i) establish if there have been any changes in the presence and/or abundance of species or habitats on the site and ii) identify any likely new ecological impacts and mitigation requirements that arise as a result. Where update surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation scheme) 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 (or commencement of the next phase). Works will then be carried forward strictly in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that development is informed by up-to-date ecological information and that ecological mitigation is appropriate to the state of the site at the time development/phases of development commences.

13. 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 2 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 starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks) and/or house martins (house martin nesting cups).

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

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

14. Prior to the commencement of the construction works for the development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways. The approved plan shall be adhered to throughout the construction period.

Reason: To ensure that the A5 and A458 trunk roads 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.

15. Prior to the opening of the development, the proposed mitigation works as shown in Drawing no. DTP/3700318/SK101 - Rev F shall be implemented in full. The detailed design works shall be submitted to and approved in writing by the Local Planning authority, in consultation with National Highways.

Reason: To ensure that the A5 and A458 trunk roads 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.

16. The Coffee Shop (Class E) hereby granted approval shall not be used for any other purpose with Class E of the Town & Country Planning (Use Classes) Order 1987 (As Amended) with the approval of the Local Planning Authority.

Reason: To ensure that any future change of use of the coffee shop does not result in potential queuing that would be detrimental to highway safety and the free flow of traffic along Welshpool Road.

Informatives

1. Operators of petrol filling stations should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers to take action where groundwater pollution occurs or is likely to occur.

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

- carrying out works, operations or investigations to prevent pollution of surface waters or groundwater.

- undertaking remedial action following a pollution of surface waters or groundwater.

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

Where the EA consider that other forms of control or voluntary action do not give sufficient protection to groundwater, we will serve EPR groundwater activity notices to avoid or restrict inputs of pollutants to groundwater including from, for example, underground storage and distribution facilities

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. By virtue of the Town and Country Planning Act 1990, your attention is drawn to the following statutory provisions and Code of Practice relating to the needs of disabled people: Sections 4, 7 and 8A of the Chronically Sick and Disabled Persons Act 1970, Disability Discrimination Act 1995, BSI Code of Practice BS5810:1979 relating to Access for Disabled to Buildings, and the Building Regulations 1992 Approved Document M. Please ensure that you are taking account of these requirements.

4. 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.]

5. Nesting birds

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

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

All vegetation clearance, tree removal and 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.

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

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

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Committee and date
 Northern Planning Committee
 10th September 2023

SCHEDULE OF APPEALS AS AT COMMITTEE 10th October 2023 (Including September)

LPA reference	22/05755/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Jason Wirdham
Proposal	Extension
Location	6 Western Drive, Oswestry Shropshire
Date of appeal	16.8.23
Appeal method	Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/01843/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr And Mrs Warner
Proposal	Extension and Conversion of existing double garage to form live-in carer's accommodation including associated hard paving
Location	West Lodge Little Ness Shrewsbury
Date of appeal	31.07.2023
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

APPEALS DETERMINED

LPA reference	23/00889/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Committee Decision
Appellant	Mr A McCormick
Proposal	Replacement windows to front elevation (Article 4)
Location	26 Montague Place Shrewsbury
Date of appeal	18.05.2023
Appeal method	Householder
Date site visit	31.07.2023
Date of appeal decision	09.08.2023
Costs awarded	
Appeal decision	ALLOWED

LPA reference	23/00667/VAR
Appeal against	Appeal Against Conditions Imposed
Committee or Del. Decision	Delegated Decision
Appellant	Mr S Uddin
Proposal	Variation of Condition No. 2 attached to planning permission 21/04923/FUL dated 17 February 2022
Location	41 Torrin Drive Shrewsbury
Date of appeal	06.07.2023
Appeal method	Householder
Date site visit	31.07.2023
Date of appeal decision	09.08.2023
Costs awarded	
Appeal decision	ALLOWED

LPA reference	22/01491/PMBPA
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs N D Bratton
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form one residential unit
Location	Storage Building NE Of Hatton Barns High Hatton Shrewsbury Shropshire
Date of appeal	26.09.2022
Appeal method	Written Reps
Date site visit	7.8.23
Date of appeal decision	17.8.23
Costs awarded	
Appeal decision	ALLOWED

LPA reference	23/00418/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Roger Parsons
Proposal	Erection of two storey side extension (revised scheme)
Location	Greenacres Glyn Road Selattyn Oswestry Shropshire SY10 7DR
Date of appeal	22.06.2023
Appeal method	Written Reps
Date site visit	28.7.23
Date of appeal decision	17.8.23
Costs awarded	
Appeal decision	DISMISSED

LPA reference	23/00572/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Roberts
Proposal	Erection of two storey side extension (re-submission)
Location	36 Henley Drive, Oswestry Shropshire
Date of appeal	13.6.23
Appeal method	Householder
Date site visit	8.8.23
Date of appeal decision	4.9.23
Costs awarded	
Appeal decision	ALLOWED



Appeal Decision

Site visit made on 31 July 2023

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/L3245/D/23/3322347

26 Montague Place, Shrewsbury, Shropshire SY3 7NF

- 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 McCormick against the decision of Shropshire Council.
 - The application Ref 23/00889/FUL, dated 27 February 2023 was refused by notice dated 3 May 2023.
 - The development proposed is for replacement windows to the front elevation.
-

Decision

1. The appeal is allowed, and planning permission is granted for replacement windows to the front elevation to 26 Montague Place, Shrewsbury, Shropshire SY3 7NF in accordance with the terms of the application Ref 23/00889/FUL, dated 27 February 2023.

Procedural Matter

2. The appeal is made retrospectively for development already implemented.

The Main Issue

3. The main issue is whether the replacement uPVC windows preserve or enhance the character or appearance of the Belle View Conservation Area (CA).

Reasons

4. The appeal property is subject to an Article 4 Direction (2004) which removes permitted development rights to its frontage.
5. The surrounding area of the CA is characterised by two storey, brick built terraced properties with pitched roofs and with their front elevations either abutting the pavement or, in certain cases, with very small front amenity spaces. Window openings and window detailing differ slightly, but there is a general uniformity in their overall size, the use of sash openings, and their overall rhythm in the street scene, all of which combine positively and distinctively to define the significance of the CA.
6. The appeal property is a detached dwelling which has a lower height than adjoining terraced properties and, unlike the neighbouring properties, is set back slightly from the footpath. Nevertheless, by its brick exterior and its

- general window size and arrangement, it adds to the overall design coherence of the CA and gives the impression of a unified appearance.
7. The visual coherence to the CA is characterised by the extensive use of white painted, sash windows and this forms a major part of its character and appearance.
 8. The appeal building has been fitted with white Upvc windows. They are sash windows, like the majority of windows in the row, and by their method of construction and jointing, the thickness of the frames and glazing bars, and the very highly authentic wooden appearance, they are hardly, if at all, discernible from those windows in the row, and those opposite, which are actually constructed from wood. The fact that the appeal building is detached, also helps to make any differences hardly discernible.
 9. One such difference is the inclusion of trickle ventilation bars which are not a characteristic of sash windows in the area, but these are not particularly obvious when the windows are considered as a whole.
 10. On my site visit, I was able to note that, of the dwellings in the line of properties of which the appeal property is one, over half have plastic windows if the appeal property is included. About a quarter of the line of dwellings directly opposite also have the same. While I have no knowledge as to whether they pre-date or post-date the adoption of the Article 4 Direction, I was able to see that the use of wood was not a consistent feature in the CA.
 11. For the above reasons, I conclude that the proposal would preserve the character and appearance of the CA and it would accord with policies CS6 and CS17 of the Shropshire Core Strategy (2011), policies MD2 and MD13 of the Shropshire Council's Site Allocations and Management Development Plan (2015), and Chapter 16 of the National Planning Policy Framework (2021), all of which require high quality development which protects and enhances the historic environment.

Conclusion

12. For the reasons outlined above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR



Appeal Decision

Site visit made on 31 July 2023

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/L3245/D/23/3322703

41 Torrin Drive, Shrewsbury, Shropshire SY3 6AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) 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 a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr S Uddin against the decision of Shropshire Council.
 - The application 23/00667/VAR, dated 13 February 2023, was refused by notice dated 4 April 2023.
 - The application sought planning permission for the erection of a single storey extension without complying with a condition attached to planning permission Ref 21/04923/FUL, dated 17 February 2022.
 - The condition in dispute is No. 2 which states that "*The development shall be carried out strictly in accordance with the approved plans and drawings*".
 - The reason given for the condition is: "*For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details*".
-

Decision

1. The appeal is allowed, and planning permission is granted for a single storey extension at 41 Torrin Drive, Shrewsbury, Shropshire, SY3 6AW, in accordance with the terms of the application ref 21/04923/FUL, dated 17 February 2022, and subject to the following conditions:-
 - (i) The development shall be carried out in accordance with drawing No. 03 'proposed rear extension VAR' dated 13/02/2023'
 - (ii) Within two months of the date of this decision, and notwithstanding what has been submitted alongside the planning application relating to the window in the side elevation of the approved rear extension facing No. 43 Torrin Drive, details including samples of a double glazed, opaque glass window to the side elevation of the approved rear extension facing No. 43 Torrin Drive shall be submitted to and thereafter approved in writing by the local planning authority. The approved double glazed opaque glass window shall be installed within a further 2 months of the approval of the local planning authority. The window shall be permanently sealed

and shall be non-openable. The window shall thereafter be permanently fitted with the approved double glazed opaque glass to the same level of opacity as approved by the local planning authority and the window shall be permanently sealed and non-openable.

Background and Main Issue

2. Planning permission was approved in February 2022 for a single storey, rear extension. This was subject to several conditions including No. 2, as detailed above, which stipulated that the extension should be carried out in strict accordance with the approved drawings. The appellant has carried out development which does not strictly accord with the approved plans in so far that a ground floor window has been formed in the side elevation of the rear extension facing No. 43 Torrin Drive and a single rooflight (instead of two approved rooflights) installed in the roof slope facing this neighbouring property.
3. In the context of the above, and, considering the Council's reason for refusal, the main issue in respect of this appeal is whether the window and roof light are acceptable in terms of their effect upon the living conditions of the occupiers of No. 43 Torrin Drive in respect of privacy and outlook.

Reasons

4. The occupiers of the neighbouring property and the Town Council object to the proposal for various reasons including loss of privacy. The ground floor side, secondary window of the rear extension is near to the common boundary with No. 43 Torrin Drive and, in its current form, the objection is that it causes unacceptable harm to the living conditions of the occupiers of this property in terms of overlooking and hence has had a materially adverse impact upon privacy. The matter is exacerbated by the appeal property, and hence the side window in particular, being set at a higher level than No. 43 Torrin Drive, and which allows overlooking over the adjoining boundary fence into the rear space of the latter and into its own secondary and side window.
5. Owing to the position and height of the proposed roof light, I do not consider that it has caused material harm to the privacy of the occupiers of the neighbouring property. It is noteworthy that two single roof lights were, in any event, approved as part of planning permission 21/04923/FUL and so the roof slope would include a very similar level of glazing compared to what has already been approved.
6. I do not find that the ground floor side window has caused harm to the occupiers of the neighbouring property in terms of having an enclosing or dominating impact. It has not added any additional scale or bulk to the extension relative to planning permission 21/04923/FUL. In this regard, I do not agree with the local planning authority (LPA) that the proposed development '*appears overbearing*'. Hence, no material harm has been caused to the occupiers of No. 43 Torrin Drive in respect of outlook.
7. The appellant acknowledges concerns raised relating to loss of privacy for the occupiers of No. 43 Torrin Drive. By way of mitigation, he therefore proposes that the ground floor side window facing this neighbouring property be fitted with Pilkington's Artic obscure glass (as shown in the design and access statement) and by ensuring that the window is non-openable.

8. On my site visit, I was able to see that the side window had been blocked upon the inside of the room, albeit temporarily, and pending the outcome of the appeal. Therefore, I was not able to gauge the effect of any sample of obscure glazing when set within the window. The appellant did have a sample of the proposed glazing in his possession, but it was of such a limited size that it was not possible to draw any meaningful conclusions as to its effectiveness in providing privacy to the adjoining occupiers.
9. However, I am satisfied that it would be possible to fit obscure glass to provide such adequate privacy and if the window were sealed shut permanently. I note that the occupiers of No. 43 Torrin Drive are concerned about the opaque glass being changed by future occupiers of the appeal property, but the imposition of a planning condition would run with the land and hence the permanent retention of it would be capable of being enforced by the LPA.
10. I have afforded the main parties an opportunity to comment upon such a condition
11. The occupiers of the neighbouring property raise concerns about noise penetration arising from the provision of a side elevation window rather than the construction of a continuous solid wall. Subject to the window being double glazed, as also stipulated by condition, I do not find, in relative terms, that there would be unlikely to be any material difference in noise from the appeal property. While the occupiers of the neighbouring property raise concern about the removal of internal walls in the property, this is not in itself development requiring planning permission and, in any event, I am satisfied that subject to the imposition of a planning condition, levels of noise from the appeal building would be unlikely to be significantly adverse in the context of what has already been approved.
12. Despite the proposed mitigation above, the LPA raised a concern in its officer report about a '*feeling of overlooking*'. While the perception of being overlooked is a material planning consideration, I consider that, subject to the imposition of a condition, any overlooking can be suitably mitigated and limited to no more than obscure shapes or silhouettes, and as such the perception of being overlooked does not justify refusing planning permission.
13. For the reasons outlined above, and subject to the imposition of a planning condition, I conclude that the proposal would not cause harm to the outlook or privacy of occupiers of No. 43 Torrin Drive. Consequently, it would accord with the amenity requirements of policy CS6 of the Shropshire Local Development Framework Core Strategy 2011, policy MD2 of the Site Allocations and Management of Development Plan 2015 and paragraph 130(f) of the National Planning Policy Framework 2021.

Other Matters

14. The occupiers of No. 43 Torrin Drive raise a concern about light pollution from the ground floor side window and the roof light. Two single roof lights have already been approved by the LPA. In this context, I do not find that the single roof light would have a materially different impact in artificial light spillage terms. I acknowledge that the ground floor side window would potentially result in some light spillage, particularly in the evening, when compared to planning permission 21/04923/FUL which permitted a solid wall to the side elevation of the extension. Nonetheless, given the position and relatively small size of the

window, I do not consider that the level of artificial light spillage would be significantly adverse. Furthermore, and in any event, it is very likely that the occupiers of No. 43 Torrin Road would have the option of shutting curtains and/or blinds during the evening or periods of darkness, as would the appellant.

15. None of the other matters raised by other interested parties alter or outweigh my conclusion on the main issue.

Conditions

16. As the extension has already been built, it is not necessary to repeat some of the conditions that were imposed in respect of planning permission 21/04923/FUL. In the interests of precision and certainty, it is necessary to impose a drawing condition. In the interests of the privacy of the occupiers of the neighbouring property, it is necessary to impose a condition relating to the ground floor window of the side elevation of the rear extension.

Conclusion

17. For the reasons outlined above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR



Appeal Decision

Site visit made on 7 August 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/L3245/W/22/3303191

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr and Mrs N D Bratton against the decision of Shropshire Council.
 - The application Ref 22/01491/PMBPA, dated 25 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is the change of use of existing former agricultural building to 1no. dwellinghouse including creation of residential curtilage.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing former agricultural building to 1no. dwellinghouse including creation of residential curtilage at Agricultural building at The Stackyard, Shrewsbury, SY4 4EZ in accordance with the terms of the application, Ref 22/01491/PMBPA, dated 25 March 2022, and the details submitted with it including 'Block plan and location plan- drawing no 22/347-101' and 'proposed plans and elevations- drawing no 22/347-103', pursuant to Article 3(1) and Schedule 2, Part 3, Class Q, paragraph Q.2(1) and the following condition:
 - 1) No development shall commence until: (1) a detailed scheme for the investigation and recording of contamination and remediation objectives has been submitted to and approved in writing by the local planning authority; (2) detailed proposals for the removal, containment or otherwise rendering harmless any contamination (a Remediation Method Statement) have been submitted to and approved in writing by the local planning authority; (3) the works specified in the Remediation Method Statement have been completed and a Verification Report submitted to and approved in writing by the local planning authority in accordance with the approved scheme; and, (4) if during remediation works, any contamination is identified that has not been considered in the Remediation Method Statement, then remediation proposals for this material shall be agreed in writing by the local planning authority.

Preliminary Matters

2. This appeal relates to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Class Q (a) permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a Class C3 use (dwellinghouse). This provision also includes, at (b) development

referred to in paragraph (a) together with building operations reasonably necessary to convert the building.

3. A recent appeal¹ for Prior Approval, under Class Q of the GPDO was dismissed on the same site. The main issue was the building's suitability for conversion with respect to its resultant external appearance. The Inspector found that the scheme would be suitable for conversion but would increase the external dimensions of the building and thus fail to meet Paragraph Q.1(h). The current scheme is materially different to the dismissed appeal as insulation is now proposed to be internally applied retaining the current external dimensions of the building. I shall pay regard to this decision with respect to this appeal, where considered relevant.

Main Issue

4. The matters of dispute between main parties relate to whether the proposed conversion would comply with the provisions of Paragraph Q.2(1)(e) and (f). Paragraph Q.2(1)(e) relates to whether the location or siting of the building makes it impractical or undesirable for the proposal to take place. Paragraph Q.2(1)(f) relates to the design or external appearance of the building.
5. Consequently, based on the submitted evidence I conclude that, the main issue is whether the proposal would be permitted development under the provisions of Schedule 2, Part 3, Paragraph Q.2(1)(e) with particular respect to the provision of external space and Q.2(1)(f) with regard to the building's external appearance.

Reasons

Siting and location of the building

6. The Council acknowledge that provision Q.2(1)(e) does not require a test of sustainability and that the GPDO grants planning permission in principle for a dwelling subject to the limitations and restrictions of Paragraphs Q.1 and Q.2. The Council's concerns relate to the provision of external space resulting in an impractical and undesirable location or siting for the proposed dwelling.
7. The test of 'Impractical or undesirable' is not defined in statute and are deemed to be ascribed a reasonable ordinary dictionary meaning by the Planning Practice Guidance (PPG). As discussed in the PPG a conversion may be impractical where an agricultural building is on the top of a hill with no road access, power source or other services. It also identifies that an undesirable affect would be those that would be harmful or objectionable.
8. Paragraph X of the GPDO, defines the curtilage of Class Q development, as being either a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. In other words, this provision seeks to limit the size of the curtilage and establishes a maximum requirement, rather than a minimum. This provision also makes no distinction between whether the barn conversion would create one level or a multi-level living space.

¹ Planning Appeal Reference: APP/L3245/W/21/3276084

9. The proposed external area would be 147m² which is smaller than the footprint of the barn at 148m². As such, the proposal would maximise the provision of external space, within the restriction of Paragraph X. The area provided is a consolidated space adjacent to the entrance door. The space would be adjacent to the long elevation of the building forming an adequate space for family use that would be neither harmful nor objectionable. I am therefore unconvinced that the location or siting of the proposal would result in an undesirable form of development due to the provision of the external space.
10. Accordingly, the siting of the proposed development would not result in development that would be impractical or undesirable. Consequently, the proposal would satisfy Paragraph Q.2(1)(e).

External appearance

11. The appeal site is at the terminus of a relatively long drive with built form on both sides. Surrounding barn structures have been converted into residential use, some include timber cladding. Other buildings in the immediate area are predominantly brick. However, the context includes farm buildings, such as the nearby barn, this is constructed of block and corrugated sheeting. As such, the local built form consists of a diverse range of styles, scales and materials.
12. Where prior approval is required in relation to the effect of development on the 'external appearance' of a building, it will be a matter of planning judgment as to whether consideration should be given to the building's intrinsic design and its relationship with adjoining or nearby properties. Consequently, whether the external appearance of the building, and whether any design changes are appropriate, is a matter of planning judgement.
13. The proposed conversion would largely retain the building's existing external cladding and would not extend the external dimensions of the barn. Consequently, the proposal would include only minor changes to the external appearance of the building. These would be reserved to the addition of new doors and windows that would be reasonably necessary for the building to function as a dwellinghouse, an alteration permitted by virtue of paragraph Q.1(i)(i)(aa) of Class Q. The existing appearance of the building, with steel plate panels and corrugated fibre cement/asbestos cement cladding panels, suits its countryside location and conveys a traditional rural character. As a result, the converted building would give the appearance of a sensitively converted rural building.
14. The proposed external changes would be limited and retain its appearance as a rural building. The proposed work would not therefore result in the creation of an "alien feature" within this village setting, due to the limited change proposed to the external appearance of the building. As such, the proposal would preserve the character and appearance of the site and its surroundings.
15. Consequently, the proposed development would satisfy paragraph Q.2(1)(f) of the GPDO.

Other Matters

Former use of the barn

16. Interested parties have disputed that the last use of the barn was for agricultural purposes. Paragraph Q.1(a) of the GPDO states that the class does

not apply to buildings that were not solely used for agricultural use on 20 March 2013 or when its last use was not agricultural. Main parties agree that the agricultural use of the barn ceased in 2007. Since that time the evidence suggests that it has been used for occasional storage in association with the works to develop the adjacent site. Nonetheless, whilst the barn has previously been used for storage that use appears to have been occasional and temporary.

17. During my visit I noted that the barn internally consisted of a series of small spaces formed by metal partitions from when the building was used for grain storage. The layout and design of the buildings seems to have been specifically designed for this sole agricultural purpose and does not appear to have been materially altered since the use ceased. These divisions, plus the staircase and grain lifting mechanism, would have limited any substantive alternative use of the building for storage or other purposes.
18. The appeal building is functionally divorced from agricultural activity and appears to have lain dormant for many years. The Appellants have indicated that the barn was used in connection with Beeches Farm, and this has not been refuted by the Council. Therefore, despite noting concerns raised by interested parties, I am content that the building was associated with an agricultural use in satisfaction of Paragraph Q.1(a)(ii). Moreover, I am unconvinced that sale particulars, describing the building as being used for 'storage', provides meaningful evidence that the use of the barn should now be considered different to its agricultural origins.
19. Therefore, whilst the barn appears to have not been in active agricultural use 20 March 2013, the evidence indicates that the building was last used for agricultural purposes before this date in satisfaction of Paragraph Q.1(a).

Conversion or new build

20. Interested parties have asserted that the building would be unsuitable for conversion and made reference to planning guidance, case law and other appeal decisions as evidence.
21. The PPG explains that "the right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house" and that "internal works are not generally development". It also states that "it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right"².
22. Further guidance is provided by the Hibbitt Judgement³, where it was found that in some cases a barn might be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in

² PPG Paragraph 105

³ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

practical reality what is being undertaken is a rebuild. This is clearly not the case for the appeal building. Hibbitt also found that a conversion could not include works that “went a very long way beyond what might sensibly or reasonably be described as a conversion”.

23. Within this framework it is a matter of planning judgement as to whether the proposal falls within the definition of conversion. Accordingly, it is the magnitude of the work which is required which determines the distinction between conversion and the construction of a new building.
24. The Appellants’ Structural Assessment⁴ (SA) explores the condition of the interior and exterior of the building and takes into consideration the effect of the proposed works to create the dwelling. It finds the building to be suitable for conversion, with the retention of the roof, walls and floor. Although no loading calculations have been provided, I have nothing material before me that contradicts the assertions and professional opinions advanced in the SA. The SA notes that the steel frame is primed with protective paint and appears to be in good condition. It recommends that paint protection be upgraded for maintenance purposes. My own observations concurred that whilst showing some signs of age, the steel frame appeared intact and in need of protective painting only. Therefore, I see no compelling reason within the evidence to disagree with the conclusion of the assessment.
25. The existing concrete floor seemed to be in generally good condition and seems capable of accommodating the required work to construct internal walls. Whilst the central grain store hole would need filling, this alone does not suggest the work required to the floor would be substantial.
26. Several internal steel walls, and some vertical and horizontal bracing, would be removed. The construction would create new goal post structures around the new cut openings in the steel walls to provide stability. These would provide support to the first floor. It is also noted that most plate walls would be retained with new rooms designed around them. Therefore, whilst the internal works would be relatively extensive, these additions would supplement the retained steel frame and are not considered to be substantial structural work. These works would be in accordance with the Hibbitt Judgement that recognised that some internal structural works may be necessary to enable the building to function as a dwelling.
27. The report describes that lateral and vertical bracing provides inherent lateral stability and that some of this would need to be removed. The SA does not suggest that such removal would compromise the integrity of the structure. My own observations revealed that the steel framed structure and external cladding appeared to be in good condition and would not require substantive structural additions, reusing most of the existing building’s fabric. The combined works would result in minimal change to the appearance of the building.
28. Accordingly, I conclude that the proposal would only include works that would be reasonably necessary to convert the building and the proposal would amount to a conversion rather than rebuild. Furthermore, the previous Inspector also concluded that the building was suitable for conversion in

⁴ Report on Structural Inspection, Dragon Structural Engineering Consultants, dated 16/2/22

accordance with Paragraph Q(b) of the GPDO. This finding was recent and corroborates my own findings.

29. Interested parties have submitted examples of barn conversions that failed matters relating to structural integrity, upon application of the Hibbitt Judgement. Nevertheless, whilst each case must be considered on its own merits, the referenced appeal decisions identify significant structural concerns that I have not found in this case.

Other considerations

30. The Appellants have indicated a redlined site area that connects the building to the highway. Although interested parties suggest that access rights are 'debatable', no compelling evidence has been submitted that demonstrates that access could not be achieved. I am therefore satisfied that the Appellants have met the obligation to define a suitable access to the site.
31. The Council has submitted 12 appeal decisions for Class Q works within the district. Unfortunately, it has not explained the relevance of these decisions to its case or specific sections it would like me to take into consideration. Upon review most of these appeals were dismissed as the proposed development was either beyond the scope of a conversion and/or related to a building that were found to not be solely in agricultural use at the prescribed time. A case at Grove Barn, Shrewsbury included a main issue of dispute that related to the size of the curtilage. However, this case appeared to focus on poor/mixed annotations and exceeded the area allowed as curtilage. As such, these decisions have not been shown to be relevant to matters in consideration for this appeal.
32. An interested party has identified that the adjacent site was given planning permission for residential development and this approval was subject to a range of safeguards to ensure it complemented that area. Although this is noted, such consideration has no bearing on my assessment as to whether the proposal would meet the criteria of Class Q.

Conditions

33. Paragraph Q.2.(3) states that development under Class Q is permitted subject to the condition that development must be completed within a period of three years starting with the prior approval date. Further standard conditions are set out in paragraph W.(12) requiring development to be undertaken in accordance with the approved plans whilst paragraph W.(13) provides for additional conditions to be attached that are reasonably related to the subject matter of the prior approval. In this case a condition with respect to contamination would be necessary due to the identification within the SA of asbestos panels within the building in the interests of the wellbeing of future occupiers.

Conclusion

34. For the above reasons, the appeal is allowed, and Prior Approval is granted subject to the attached condition.

Ben Plenty

INSPECTOR



Appeal Decision

Site visit made on 28 July 2023

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/L3245/D/23/3323733

Greenacres, Glyn Road, Selattyn, Oswestry SY10 7DR

- 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 Roger Parsons against the decision of Shropshire Council.
 - The application Ref 23/00418/FUL, dated 31 January 2023, was refused by notice dated 24 March 2023.
 - The development proposed is erection of 2 storey side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The appeal site is a 3 bedroom detached dwelling with single storey lean to extension and outbuilding to the side. The property is located on elevated sloping land above Glyn Road. The dwelling is set back from the road and sits behind a roadside boundary hedge.
4. The proposed development would be constructed in materials to match the existing dwelling. However, the windows cut into the eaves would be out of keeping with the existing dwelling. Similarly, the scale and bulk of the proposal would not appear subservient to the main property. This is despite the set back of the front elevation of the development and set down of the roof relative to the main dwelling. The gradient of the land would do little to mitigate the impact. Irrespective of the size of nearby properties, the poor design of the development would create an incongruous addition which would not provide balance or symmetry to the property nor blend seamlessly with the host dwelling, as suggested by the appellant.
5. The existing hedgerow would provide some screening from public views. Whilst the development would predominantly be visible in private views within the site this does not diminish the harm to the character and appearance of the area that would occur.
6. The development would harm the character and appearance of the area. As such it would conflict with the part of Policy CS6 of the Shropshire Adopted Core Strategy that requires new development to be of high quality design and takes into account the local context and character. It would also conflict with

Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan which amongst other things requires new development to respond appropriately to the form and layout of existing development and reflect locally characteristic architectural design and details.

Other Matters

7. I note the reason for the proposal and the benefits it would generate for the appellant in terms of the living space created. However, this would be outweighed by the harm identified. The scale of the development limits the weight I attach to the economic benefits of the development.

Conclusion

8. For the reasons identified and taking into account all other matters, including the absence of harm to the living conditions of neighbouring occupants, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR



Appeal Decision

Site visit made on 8 August 2023

by **L Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/L3245/D/23/3322925

36 Henley Drive, Oswestry, Shropshire SY11 2RF

- 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 Roberts against the decision of Shropshire Council.
 - The application Ref 23/00572/FUL, dated 10 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is the erection of a two-storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension at 36 Henley Drive, Oswestry, Shropshire SY11 2RF in accordance with the terms of the application, Ref 23/00572/FUL, dated 10 February 2023, and the plans submitted with it, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the Location Plan dated 4 October 2022 and Block Plan Existing And Proposed Plans And Elevation dated September 2022.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to first use of the building, the following boxes shall be erected on the site:

A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.

A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), and/or small birds (32mm hole, standard design).

A minimum of 1 artificial nest, of integrated brick design, suitable for swifts (swift bricks).

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.

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the buildings wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred.

Procedural Matters

2. The description of the development differs on the application form from the refusal notice and the appeal form. The application form described the development as a 'proposed two storey side extension to gain additional living space and larger bedroom for a growing family'. I have used the description from the application form in the banner heading, whilst removing references to anything that is not an act of development.
3. The appellants have provided an amended block plan with their appeal statement demonstrating that three parking spaces can be provided on site. The Highways Officer has viewed and conditionally accepted the amended layout, subject to the development being constructed in accordance with the approved details and specific suggested conditions.
4. However, I am conscious that other interested parties, such as neighbouring residents, have not had the opportunity to view or comment on the amended layout. In the interests of fairness and natural justice I have therefore considered the appeal on the original plans submitted with the application.

Main Issues

5. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area; and
 - b) the effect of the proposed development on parking.

Reasons

Character and appearance

6. 36 Henley Drive is the end terrace in a row of four terraced properties. Concern has been raised that the proposed extension would lead to a loss of symmetry of the terraced row and that of a neighbouring row of terraces. However, I note that the properties in both terraces already have varying front garden surfacing and that the neighbouring terrace at 38-44 Henley Drive has differing door and fenestration styles. The terraces are therefore not wholly uniform in design, and this, coupled with the subordination of the proposed extension, has led me to conclude that the proposal would not lead to an unacceptable loss of symmetry.
7. The extension has been designed to utilise typically domestic features and materials to match those of the original dwelling. The proposal would have a lower ridge height and would be set back from the host dwelling, which would ensure that it would be subservient, not overly conspicuous, and would not dominate the host dwelling nor the row of terraces.
8. It is recognised that the proposed extension would be located at the head of Henley Close. However, the surrounding area comprises a mix of house types of varying designs, types and sizes. The proposed extension would not be an incongruous or over prominent addition to the street scene and would not result in an unacceptable visual impact.
9. I conclude that the proposed development would not cause material harm to the character and appearance of the host dwelling or the surrounding area, and

would not have an unacceptable visual impact. Accordingly, I find no conflict with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy (Core Strategy) and Policy MD2 of the Site Allocations and Management of Development Plan which seek to ensure that development is well designed and enhances local distinctiveness.

Parking

10. The Council is concerned about the loss of a parking space. On my site visit, which I acknowledge is only a snapshot in time, I did not notice any issues with parking. A number of properties have altered their gardens to allow for off-street parking and there were opportunities for on-street parking without blocking residents' drives. When visiting the site, I noticed that there is a long wall and pavement at the side of the road not far from the property which would allow for on-street parking for vehicles at its side without impacting residents. The Council have not provided any evidence that there would be insufficient on-street parking to accommodate any overspill and it has not been demonstrated that the loss of a parking space would have a harmful effect on highway safety.
11. As I consider that the proposed development would not lead to parking problems in the vicinity, I find no conflict with Policy CS6 of the Core Strategy which seeks to ensure appropriate car parking provision.

Conditions

12. I have had regard to the conditions suggested by the Council, as well as to national Planning Policy Guidance on conditions. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt. A condition relating to materials is necessary to ensure that the appearance of the extension would be satisfactory.
13. The Council's ecologist has suggested conditions to ensure the protection of wildlife and to provide ecological enhancements. As the proposed development is close to woodland, I consider this to be reasonable and appropriate. I have included the condition on the erection of bat and bird boxes, but as no external lighting is shown on the proposed plans I have not thought it necessary to include a lighting plan condition.
14. As I have considered the appeal on the original plans submitted, and have not deemed that the proposal would lead to unacceptable parking issues, I have not included suggested highway conditions that relate to the amended block layout plan.

Conclusion

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

L Hughes BA (Hons) MTP MRTPI

INSPECTOR

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