



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

Date: Friday, 3 May 2024

Committee: Northern Planning Committee

Date: Tuesday, 14 May 2024

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](#)

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<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard - Assistant Director – Legal and Governance

Members of the Committee

To be confirmed at Annual Council on 9th May 2024

Substitute Members of the Committee

To be confirmed at Annual Council on 9th May 2024

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the Minutes of the meeting of the Northern Planning Committee held on 15th February 2024 and 5th March 2024, 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 Thursday, 9th May 2024.

4 Disclosable Pecuniary Interests

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

5 Land To The South Of Nook Lane, Weston Under Redcastle, Shropshire (23/04624/FUL) (Pages 9 - 32)

Erection of a building for private horse riding practice and associated works, to include change of use of land. (Resubmission of Application Ref: 23/00910/FUL)

6 Proposed Poultry Units, NW Of North Farm, Felton Butler, Montford Bridge Shropshire (17/05151/EIA) (Pages 33 - 80)

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

7 Proposed Dwelling North Of Garth, Willow Street, Ellesmere, Shropshire (24/00342/FUL) (Pages 81 - 98)

Construction of new dwelling with alterations to existing access

8 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 18th June 2024, in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

Northern Planning Committee

14 May 2024

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 15 February 2024

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

2.00 - 3.35 pm

Responsible Officer: Ashley Kendrick

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillors Paul Wynn (Chairman), Joyce Barrow, Geoff Elner, Ted Clarke, Julian Dean, Roger Evans, Vince Hunt (Vice Chairman), David Vasmer, Roy Aldcroft (Substitute) (substitute for Steve Charmley), David Evans (Substitute) (substitute for Garry Burchett) and Nigel Hartin (Substitute) (substitute for Nat Green)

83 Apologies for Absence

Apologies for absence were received from Councillors Garry Burchett, Steve Charmley and Nat Green.

Councillor Roy Aldcroft substituted for Councillor Charmley, Councillor David Evans substituted for Councillor Burchett and Councillor Nigel Hartin substituted for Councillor Green

84 Public Question Time

There were no public questions received.

85 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.

86 Welshpool Road, Bicton Heath, Shrewsbury, Shropshire (21/00924/EIA)

In opening the meeting the Chair reminded Members that the purpose of the meeting was to agree the wording of the conditions to be applied to the planning permission granted at the meeting of the Committee held on 31 October 2023 .

The Chair drew Members attention to the additional information that had been circulated prior to the meeting. The Planning and Development Services Manager then took Members through the updates to the final conditions.

A Member queried why certain documents on the planning portal had sections which were redacted. The Planning and Development Services Manager agreed to provide

Members with a copy of the unredacted document. The meeting was adjourned for a short period to allow Members to consider the information in the document

Edwin Lomas spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Heather Streetley spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Matthew McHugh on behalf of Morris Leisure Ltd. spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mike Streetly on behalf of Better Transport Shrewsbury spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Alex Grant on behalf of The Shropshire Wildlife Trust spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Matt Johnson, (on behalf of the Applicant), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

It was proposed by Councillor Dean and seconded by Councillor Vasmer that consideration of the conditions be deferred as there was not sufficient justification for the large number of pre commencement conditions contrary to section 56 of the NPPF, and that the EIA is not sufficient and further investigation was required.

On being put to a recorded vote with 5 Members voting for, 6 against and no abstentions as follows:

FOR:

Councillors Clarke, Dean, R Evans, Hartin and Vasmer

AGAINST:

Councillors Aldcroft, Barrow, Elner, D Evans, Hunt and Wynn.

The proposition was not supported.

It was proposed by Councillor D Evans and seconded by Councillor Aldcroft that the officer recommendation be supported subject to the amended conditions circulated at the meeting

RESOLVED:

That the planning conditions set out in Appendix 1 attached to the report and the amended conditions circulated at the meeting be agreed by the Northern Planning Committee subject to minor amendments being delegated to the Assistant Director of Economy and Place. These conditions will be attached to any subsequent decision issued by the local planning authority, following the completion of the Section106 agreement between the Council and landowners impacted by mitigation and compensation strategy proposals.

87 Date of the Next Meeting

It was noted that the next meeting of the Northern Planning Committee would be held at 2.00 p.m. on Tuesday 5 March 2024, in the Shrewsbury Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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Committee and Date

Northern Planning Committee

14 May 2024

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 5 March 2024

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

2.00 - 3.50 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillors Joyce Barrow, Garry Burchett, Ted Clarke, Steve Charmley, Julian Dean, Roger Evans, Nat Green, Vince Hunt (Vice Chairman), Steve Davenport (Substitute) (substitute for Geoff Elnor) and Colin Taylor (Substitute) (substitute for David Vasmer)

88 Apologies for Absence

In the absence of the Chairman, Councillor Vince Hunt as Vice-Chairman chaired the meeting.

Apologies for absence were received from Councillors Geoff Elnor, David Vasmer and Paul Wynn.

Councillor Steve Davenport substituted for Councillor Elnor and Councillor Colin Taylor substituted for Councillor Vasmer.

89 Minutes

RESOLVED:

That the Minutes of the meeting of the Northern Planning Committee held on 6th February 2024 be approved as a correct record and signed by the Chairman.

90 Public Question Time

There were no public questions received.

91 Disclosable Pecuniary Interests

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

With reference to agenda item 5 Councillor Nat Green declared a pecuniary interest as the applicant had had dealings with his business and in accordance with

procedure rules, he would withdraw from the meeting during consideration of this application and take no part in the debate or vote.

With reference to agenda item 7, Councillor Nat Green stated that he was the local ward councillor for this application and in accordance with procedure rules would make a statement and then leave the meeting, taking no part in the debate or vote.

92 Land East of A529 Woodseaves, Market Drayton, Shropshire (23/02652/FUL)

In accordance with his declaration, Councillor Nat Green withdrew the meeting room, taking no part in the discussion or vote on this application.

The Principal Planning Officer introduced the application for the change of use of land to Gypsy / Traveller site for 2 family pitches to include the erection of amenity buildings, improvement of access and installation of Bio-Disc sewage treatment plant and 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.

The Solicitor read out a statement against the proposal from Andy Parsons, local resident in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Terry Hodge spoke on behalf of Sutton upon Tern Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Rob Gittins, local Ward Councillor spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

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

In response to a query the Principal Planning Officer confirmed that personal circumstances could be considered when considering Gypsy and Traveller applications.

A number of Members commented that the application complied with policy and felt that as such they should support it.

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

RESOLVED:

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

93 Proposed Affordable Housing Exception Site West Of Merrington Road, Bomere Heath, Shrewsbury, Shropshire (23/02934/FUL)

The Senior Planning Officer introduced the application for a rural exception site comprising the erection of 19 affordable dwellings, vehicular, pedestrian and cycles access from Merrington Road, open space, sustainable urban drainage system, landscaping and associated works and 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.

Councillor Dan Harmer spoke on behalf of Bomere Heath and District Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members recognised the need for affordable housing and felt that the size and tenure of the proposed affordable homes was acceptable and would meet some of the identified need.

A Member expressed disappointment that there had been no engagement between the developer and the parish council.

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

RESOLVED:

That planning permission be granted, subject to:

- The conditions as set out in appendix one of the planning officer's report and any amendments to these conditions as considered necessary by the Head of Service;
- The signing of a S106 agreement to secure the affordable housing in perpetuity, and
- Confirmation of receipt of a counter signed Impact Assessment and Conservation Payment Certificate (IACPC), that confirms acceptance into Natural England's District Level Licencing Scheme.

94 Riverside Shopping Centre, Pride Hill, Shrewsbury, Shropshire (23/05402/FUL)

Councillor Davenport left the room at this point, he returned and took no part in the debate for vote on this application.

The Principal Planning Officer introduced the application for the demolition of the Riverside Shopping Centre and related activity, enabling works including boundary

wall and the formation of a new public park following demolition, to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, flood attenuation and temporary meanwhile uses across the Site. Members’ attention was drawn to the information contained within the Schedule of Additional letters.

In accordance with Shropshire Council’s Scheme for Public Speaking, Councillor Nat Green, Local Member made a statement and then withdrew from the meeting room, taking no part in the discussion or vote on this application.

Members welcomed the scheme.

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

RESOLVED:

That authority to grant planning permission be delegated to the Head of Service subject to the conditions as set out in Appendix 1 and in the Schedule of Additional Letters and any amendments to these conditions as considered necessary by the Head of Service.

95 Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the northern area as at 5 March 2024 be noted.

96 Date of the Next Meeting

It was noted that the next meeting of the Northern Planning Committee would be held at 2.00 p.m. on Tuesday 9 April 2024, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

Agenda Item 5

AGENDA ITEM



Committee and date

Northern Planning Committee

14th May 2024

Development Management Report

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

Summary of Application

<u>Application Number:</u> 23/04624/FUL	<u>Parish:</u>	Prees
<u>Proposal:</u> Erection of a building for private horse riding practice and associated works, to include change of use of land. (Resubmission of Application Ref: 23/00910/FUL)		
<u>Site Address:</u> Land To The South Of Nook Lane Weston Under Redcastle Shropshire SY4 5LR		
<u>Applicant:</u> Mr P Sutton		
<u>Case Officer:</u> Jane Preece	<u>email:</u> jane.preece@shropshire.gov.uk	
<u>Grid Ref:</u> 356252 – 330927		



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

REPORT

1.0 THE PROPOSAL

1.1 As above.

1.2 The application is a re-submission following on from the refusal of a previous application, under reference 23/00910/FUL, in April 2023. In addition to the proposed plans the application is supported by:

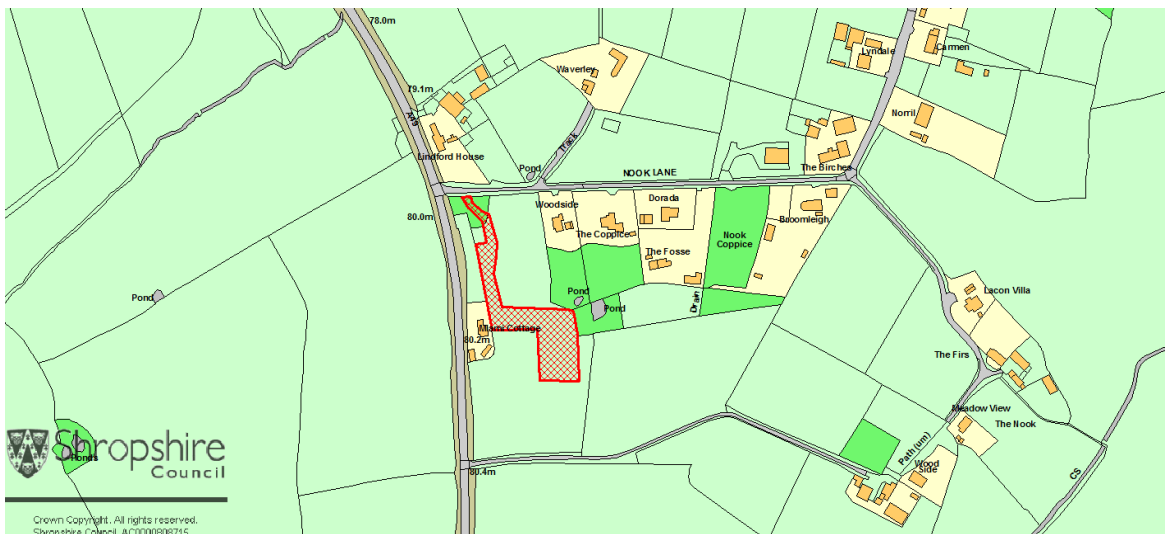
- a revised Design and Access Statement
- a plan identifying 3 acres of supplementary grazing to the south
- a Tree Condition Report, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan
- an Ecological Impact Assessment
- a Landscape and Visual Impact Assessment (updated)

1.3 Pre-application advice was further given under reference PREAPP/23/00397, dated 7th August 2023. A copy of the pre-application letter is available to view publicly in the documents section associated with this current application.

2.0 SITE ADDRESS

2.1 As above.

2.2 Site location map extract:



3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Committee consideration is required as the Parish Council object and the officer recommendation is for approval. The Development Manager in consultation with the Local Member and Chair of the Northern Planning Committee agree that the Parish Council has raised material considerations that warrant the application being referred to committee for consideration.

4.0 Community Representations Summary

4.1 Consultee Comments

4.1.1 **SC Drainage** – Is Minor Development and site is not located within SuDS Consultation Area. LLFA will only provide standing advice on development proposals to LPA as Informative Notes.

Development is unlikely to significantly increase flood risk. Therefore offer following informative:

Informative: Standard drainage informative

4.1.2 **SC Ecology (re-consultation comments)** – No additional comments to make.

SC Ecology (original comments) – Same conditions and informatives recommended for previous application (23/00910/FUL) should be included on decision notice for this application.

(ie: Conditions: Bat and bird box provision, Lighting plan, Working in accordance with method statement. Informatives: Nesting birds, General site informative for wildlife protection and Landscape)

4.1.3 **SC Highways** – Recommendation: No Objection – Having given due regard to appropriate local and national planning policy guidance (in particular NPPF), Shropshire Council as Highway Authority has concluded proposed development is acceptable and accordingly, does not wish to object subject to development being constructed in accordance with approved Site Plan as Proposed Drawing no. 3058 D 02 E.

Observations/Comments: Development is proposing indoor surfaced riding arena within field to side of earlier approved application for erection of stables. Proposal has advocated use of building will be for private use only by applicant. Application is resubmission of earlier application under reference 23/00910/FUL.

Facility appears quite extensive but does none the less provide applicant with covered all weather surface to ride/exercise their horses. In context is only used by applicant, use is unlikely to result in change of vehicular movements to and from site. Therefore raise no highway objection.

It is considered however that the use of the building should be limited to private use of owner of land on site land holding identified by blue line on supporting documentation and that use shall not extend to any form of commercial equestrian use, commercial riding tuition, public events or gymkhanas.

In the event that more commercial use of indoor riding area is proposed and facilities developed further, proposal will need to be reassessed from highway perspective and considered on its individual merits at that time.

Informative notes:

- Works on, within or abutting the public highway
- Mud on highway
- No drainage to discharge to highway

Background: 23/00910/FUL

4.1.4 **SC Trees (re-consultation comments)** - Read supporting Tree report, Method Statement

and Tree protection Plan Revision A which includes details of protective fencing and ground protection. Note addition of new tree and shrub planting to form screen.

No objection on arboreal grounds if following condition is applied:

- Tree Protection condition

SC Trees – Reviewed Arborist & Ecological Services Ltd Tree Condition Report Arboricultural Impact Assessment Method Statement and Tree Protection Plan Rev A.

As with previous application, have no objection on arboreal grounds if following tree protection condition can be applied to an approval:

- Tree Protection condition

4.1.5 **SC Landscape Consultant (re-consultation comments 2)** - Our review of first LVIA recommended revisions.

Local Plan policies have now been referred to but not considered in impact assessment.

Approach and Methodology section is now more in-line with GLVIA3. Scale of adverse or beneficial effects are described, but significant levels are only defined for visual and not landscape effects.

Baseline assessment now identifies site and immediate setting within correct Landscape Type according to Shropshire Landscape Typology. It describes landscape features of site and 'visual character' of area but does not identify any specific landscape receptors.

Viewpoint photographs now identify extents of proposed building. One additional viewpoint has been assessed from public bridleway that follows southern edge of site. Additional viewpoints could have been chosen along Nook Lane, both where existing hedge is poor and at field gate next to adjacent curtilage of Woodside.

Scale of visual effect on residents of adjacent dwelling Miami of Slight Adverse to Neutral is probably understated due to openness and proximity of views. However, this is a single dwelling and not a public viewpoint, so would normally be given less weight in terms of sensitivity. Visual effects on residents at other adjacent dwelling Woodside are probably negligible because of intervening woodland.

Interestingly, although all viewpoints are assessed as receiving maximum Slight Adverse effect in assessment tables, Section 7.2 declares potential Moderate Adverse visual effects during construction. This scale of effect would probably extend in our view into short/medium term until mitigation planting is well established.

Revised report still fails to assess potential landscape effects in appropriate manner as listed in bullet points of first review; however, would not disagree with assessed scale of Slight Adverse effect by virtue of site being relatively isolated, within settled area and development comprising single agricultural-style building.

Mitigation and enhancement measures are helpful, and should application be approved, would want to see these incorporated into detailed proposals.

Doubt that proposed development would generate significant adverse landscape and visual effects, but reiterate if application is approved, would expect detailed landscape proposals to be conditioned including:

- ' preparation and approval of planting plan, specification and aftercare,

- ' details of proposed planting mound composition, dimensions and treatment to make it suitable growing medium,

- ' pre-commencement requirement for completion of the landscape works previously approved for site include planting of 500 trees and additional hedging.

SC Landscape Consultant (re-consultation comments 1) - Unfortunately, do not consider LVIA findings are sufficient to support making informed planning decision as there are some fundamental shortcomings in methodology and content of report.

In November 2023 advised due to scale and setting of development, concise and focussed Landscape and Visual Appraisal (LVA) be prepared to support application. Report is titled as full LVIA, although it fails to define what are considered significant effects in relation to its methodology, as required by Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3) 2013.

Section 1 ' Preamble

Author is Chartered Member of Landscape Institute. Scope of assessment is concisely described. Selection of 2km radius study area is appropriate for scale of development in this setting.

Section 2 ' Context and Planning

Report fails to include any Shropshire Council planning policies but mysteriously lists Derbyshire Dales Adopted Local Plan 2017.

Paragraphs 2.2.1 and 2.2.2 describes statutory and non-statutory ecological and heritage designations within study area, including Hawkstone Park Registered Historic Park and Garden.

Paragraph 2.2.4.1 refers to relevant sections of NPPF but unfortunately not latest version dated December 2023.

Section 3 ' Approach and Methodology

Section 3 helpfully describes key stage of assessment with reference to GLVIA3.

Unfortunately, in sub-section 3.4 Landscape Character where it describes non-designated landscape value report fails to reference The LI Technical Guidance Note TGN 02/21

Assessing landscape value outside national designations.

Report helpfully identifies range of criteria used to judge landscape sensitivity and magnitude of landscape change, but then confusingly includes table of 'Examples of Magnitude of visual impact' which includes further examples of magnitude of landscape change.

Paragraph 3.3.3 unhelpfully uses term 'Significance' when is referring to potential scale of effect. Scales of effect are then defined but assumes all landscape effects are adverse in

nature.

Paragraph 3.5.1 identifies types of visual receptors. Remaining paragraphs identify potential judgements on value and susceptibility to change (although it confuses susceptibility with sensitivity), sensitivity and scales of adverse effects (which it calls Significance).

In paragraph 3.6 report described consultation with neighbour. GLVIA3 encourages consulting LPA about scoping extents of study area and potential landscape and visual receptors. This was not undertaken.

Section 4 ' Baseline Studies

Is detailed description of National Character Area (Shropshire, Cheshire and Staffordshire Plain) which for this scale of development should be scoped-out of assessment. Report identifies site as being located within Sandstone Hills landscape type (LT) according to Shropshire Landscape Typology. This is incorrect. Hawkstone Park, some 2km south of site is within Sandstone Hills LT. Proposed development site is within Enclosed Lowland Heaths LT and is surrounded to east and west by Principal Settled Farmland LT. Remainder of this section describes details of 'visual character' of planning application area and its visual relationship with neighbouring roads and buildings. Geology section describes sandstone ridges, buildings and settlements in relation to National Character Area. Listed buildings, ecological features and Public Rights of Way are also described. This section fails to identify any landscape receptors in terms of character or landscape features relevant to site or its immediate setting.

Section 5 ' Visual Receptors

Google Earth viewshed indicates wide area of potential viewpoints in all directions based on bare-earth digital terrain model analysis. Different types of receptors are rated for local sensitivity. Having scoped-out large range of viewpoints to assess by means of site visit, author then chooses to assess only 3 viewpoints, one of which is heavily obscured by intervening vegetation and one by illustrative viewpoint photograph.

Section 6 - Viewpoints

Viewpoint photographs are not in compliance with Landscape Institute Technical Guidance Note 06/19 (TGN 06/19). Visual proportions of proposed building is not identified on photographs making it difficult to assess their effects on views.

Assessment tables use methodology to identify visual effects from three viewpoints, but then also uses these locations to assess landscape effects without properly identifying landscape receptors and their relationship with proposed development.

Section 7 - Summary

Is generally confusion and lack of separation in assessment stage of landscape and visual effects. Is paucity of viewpoint assessment and no actual landscape receptors are identified.

Section 8 ' Mitigation and Enhancement

Section is quite informative but doesn't relate mitigation and enhancement measures to identified landscape and visual receptors.

Our conclusions

Doubt if proposed development would generate significant adverse landscape and visual effects that would conflict sufficiently with Development Plan policies to affect Planning decision. However, LVIA submitted fails to provide sufficient evidence to prove this.

Recommend LVIA is revised to:

' Include relevant Local Plan policies in Context and Planning section.

- ' Be more explicit and in-line with GLVIA3 in Approach and Methodology section; particularly by identifying what are potentially significant effects and not confusing significance with scale of effect.
- ' Identify correct Landscape Types within setting from Shropshire Landscape Typology and subsequently identify appropriate landscape receptors (characteristics and features) in Baseline Studies section.
- ' Explore wider range of potential viewpoints from Viewshed analysis, if only to illustrate lack of view in Visual Receptors section.
- ' Prepare viewpoint photographs in compliance with TGN 06/19 including identifying potential dimensions of proposed building where relevant.
- ' Assess landscape effects properly by:
 - o identifying landscape receptors and their interaction with development,
 - combine value judgements of these receptors with judgements of their susceptibility to specific change potentially created by development to give sensitivity rating,
 - combine sensitivity with judgements of magnitude to give scale of effect,
 - identify inherent and potential mitigation measures and reassess residual landscape effects.

If application is subsequently approved, expect detailed landscape proposals to be conditioned including:

- ' preparation and approval of planting plan, specification and aftercare,
- ' details of proposed planting mound composition, dimensions and treatment to make it suitable growing medium,
- ' pre-commencement requirement for completion of landscape works previously approved for site include planting of 500 trees and additional hedging.

SC Landscape Consultant (original comments) – Note revised proposal includes reduced ridge and eaves heights in building, hedgerow reinforcement planting and native scrub planting on low mound around two sides of building.

Whilst positive step, proposal is clearly for large structure in rural setting. Two public roads and public right of way border site. Therefore recommend concise and focussed appraisal of landscape and visual effects be prepared by suitably experience chartered landscape architect in accordance with best practice set out in GLVIA3 and supporting guidance.

Appraisal process should be used to develop landscape mitigation and enhancement plan appropriate to local landscape character and address any predicted adverse effects.

If application is subsequently approved, expect detailed landscape proposals to be conditioned including:

- ' preparation and approval of planting plan, specification and aftercare,
- ' details of proposed planting mound composition, dimensions and treatment to make it suitable growing medium,
- ' pre-commencement requirement for completion of landscape works previously approved for site include planting of 500 trees and additional hedging.

-

Land To The South Of

4.1.6 **SC Regulatory Services** – No comment.

4.2 **Public Comments**

4.2.1 **Prees Parish Council (re-consultation comments 2)** – No further comments received.

Prees Parish Council (re-consultation comments 1) - Amendments to 23/04624/FUL: Erection of a building for private horse-riding practice and associated works, to include change of use of land. (Resubmission of Application Ref: 23/00910/FUL) Land To The South Of, Nook Lane, Weston Under Redcastle, Shropshire, Applicant: Mr P Sutton.

Despite the amendments Prees Parish Council continues to object to this Planning Application, on the following grounds:

The proposed building is a large non-agricultural one in open fields: it is not in keeping with its surroundings.

It therefore reduces the amenity of local inhabitants but offers no compensating benefits to the local economy or community.

In addition, it is likely to increase the flood risk of the area.

Prees Parish Council (original comments) - Prees Parish Council wishes its objection to this Application to be registered on the grounds that the proposed building is far too big in scale.

For this reason it does not sit easily in the context of open countryside and it cannot help but have a negative visual impact in the rural locality.

4.2.2 **Public representations** - One representation of objection has been submitted. The main objection points raised include:

- Flood Risk. Miami Cottage, used to be called "The Pits" for good reason. Field is covered in pits which show themselves in periods of wet weather. Has been flooding in past. Water table is high. Don't want large shed and roof water flooding field and then neighbours. Nook Lane ditch outlet pipe by A49 is small and cannot take existing water from all Nook Lane residents, let alone from large building, new stable block and garages and new 3 bed house. Much of winter my water can't get away because of neighbours ditch not being cleared out regularly and outlet pipe is too small.

- Access. A49 is very busy. Have been several accidents in area over years, including fatalities. Already high traffic on Nook Lane entering/exiting is hazard to traffic on A49. Slow moving horse trailers and associated vehicles would further jeopardise safety. Believe access to proposed building should be from south side of field, adjacent to the private track already there and much closer and safer.

- Biodiversity. Are owls in little wood here. Are also buzzards which visit and live on cliff face at Weston.

- Visual Impact. Visual impact will be huge for Nook Lane residents. Don't want our residential area turned into industrial site. Former agricultural field of circa 4+ acres, already has 3 storey house, large stable block, large shipping container and also to come shortly 3 garages. Is wrong site for such development. Proposed building is much too large for location and will have very bad visual impact in this rural location.

5.0 THE MAIN ISSUES

- Relevant planning history
- Principle of development
- Previous reasons for refusal
- Siting, scale, design and visual impact
- Impact on natural environment: ecology and trees
- Access and highway matters
- Drainage and flood risk

6.0 OFFICER APPRAISAL

6.1 Relevant planning history

6.1.1 Application ref: 22/03974/FUL

Proposal: Erection of a stable building with access via Nook Lane

Decision and date: Granted with conditions, 4th November 2022

6.1.2 Application ref: 23/00910/FUL

Proposal: Erection of a building for private horse riding practice and associated works, to include change of use of land

Decision and date: Refused, 17th April 2023

6.1.3 Application ref: PREAPP/23/00397

Proposal: Erection of a building for private horse riding practice and associated works to include change of use of land

Decision and date: Summary: No objection in principle to siting of a private riding arena. Justification required for enclosure within a building. Option 5 most appropriate location from choices available. Landscaping required, plus height reduced to reduce visual impact. If scheme approved will be with restrictions relating to its use. 7th August 2023

6.1.4 Application ref: 23/02615/DIS

Proposal: Discharge of Conditions 3 (External Materials), 4 (External Lighting) and 6 (Bat and Bird Boxes) relating to Planning Permission 22/03974/FUL

Decision and date: Discharge approved, 31st July 2023.

6.1.5 Application ref: 23/05192/DIS

Proposal: Discharge of Condition 5 (Drainage) relating to Planning Permission 22/03974/FUL

Decision and date: Discharge approved, 8th January 2024

6.2 Principle of development

- 6.2.1 The proposal seeks full planning permission for the 'Erection of a building for private horse riding practice and associated works, to include change of use of land'. The building is proposed to be sited on the eastern part of the field within the ownership of the applicant and south of the properties on Nook Lane - see map extract given in section 2.2 above.
- 6.2.2 As per the description of development the equestrian use is for the private use of the applicant, as is the use of the stabling already permitted in the north west corner of the site, under planning permission reference 22/03974/FUL. The stabling supports four horses and the land is utilised as grazing land.
- 6.2.3 The site lies outside any defined development boundary and occupies a countryside location for planning policy purposes. As such the proposal falls to be assessed, in principle, against a number of adopted development plan policies including Shropshire Core Strategy policies CS5, CS6 and CS17 and adopted Site Allocation and Management of Development (SAMDev) Plan policy MD2 and MD12.
- 6.2.4 Taken together, it is considered that the above suite of adopted development planning policies indicate that, in principle, there is some policy support for limited equestrian development for private recreational purposes in rural areas. However, such development must be appropriate in terms of location, use, siting, scale and design and satisfy general development management criteria and environmental expectations.

6.3 Previous reason/s for refusal

- 6.3.1 Under reference 23/00910/FUL, a previous application on this site was recently refused for the following reason/s:

'It is considered that development as proposed is out of context with and fails to respond appropriately to the character of the rural locality by virtue of siting, scale, design and layout. The proposal will not only detract from the current open character of the land but also adversely impact upon the visual amenities and character of the surrounding rural area and landscape.

Overall, it is considered that the proposal will not protect or enhance the local environment and would result in harm to the character and appearance of the locality and surrounding rural landscape. It is not considered that any social, economic or environmental benefits have been identified or substantiated in support of the proposal that would outweigh the harm and conflict identified.

This harm to the character of the area would make the development environmentally unsustainable and therefore the proposal fails to satisfy the both the environmental objective of sustainability as set out in the National Planning Policy Framework and the sustainable objectives of Shropshire Core Strategy policies CS5, CS6 and CS17; the

Site Allocations and Management of Development (SAMDev) Plan policies MD2 and MD12.'

6.3.2 This is a revised scheme that seeks to address the previous reasons for refusal set out above.

6.4 **Siting, scale, design, visual impact and landscaping**

6.4.1 To reiterate, the building is proposed to be sited on the eastern part of the field within the ownership of the applicant and south of the properties on Nook Lane, separated by a small woodland - see map extract given in section 2.2 above.

6.4.2 The building will be of steel frame construction and clad externally with agricultural profile sheets, dark green in colour. It will measure 40 m x 20 m in footprint and 5.5m high to the eaves and 6.9 m high to the ridge. This is a reduction in height from 6.7 m and 8.2 m respectively in comparison with the building previously refused.

6.4.3 Landscaping proposals have been added to the proposed site plan. This includes the provision of a small earth mound to the south and east sides of the proposed building, planted atop with mixed scrub to the sides with modified grassland. Otherwise the existing field boundary hedgerows to the south (lane side) and east (roadside) are also now shown as to be retained and enhanced by infilling any gaps with native planting. To the west existing trees are also identified as to be retained.

6.4.4 Having also sought pre-application advice (under reference PREAPP/23/00397), the main revisions are that the height of the building has been reduced and landscaping proposals included. Constraints to siting options have been identified given that two overhead power lines cross the site. Whilst the siting has not been adjusted in relation to the preferred option 5 expressed by officers (south of Miami Cottage), the agent explains that they have reverted to the original location given that the option 5 siting could not be validated as a 'free go' application and in any event they feel that with the reduction in the size of the building coupled with the addition of the screening proposals then a building in this location will not be as visible in the landscape as option 5.

6.4.5 It is said with the submitted Design and Access Statement that '*... 50 new trees and hedging will be planted to minimise any visual impact and improve the hedgerows in and around the site. This was agreed for the stable buildings. We will introduce more to the site ...*'

6.4.6 Having consulted with the Council's Landscape Consultant on this current application, the application is also latterly supported by an updated Landscape and Visual Impact Assessment.

6.4.7 Having regard to the amended plans and additional information put forward in support of the application and the responses received from consultees (including from the Council's Tree Officer and Landscape Consultant), it is considered that, on balance, the previous reasons for

refusal have been satisfactorily addressed in that the reduced height (and associated scale) of the building coupled with landscaping and planting proposals (with details to be secured by condition, in addition to existing tree protection) will mitigate the previous harm identified. Whilst the comments of the Council's Landscaping Consultant still identify some shortcomings with the updated LVIA, officers are mindful of their concluding remarks that they doubt that proposed development would generate significant adverse landscape and visual effects, but reiterate if the application is approved, would expect detailed landscape proposals to be conditioned including:

' preparation and approval of planting plan, specification and aftercare,

' details of proposed planting mound composition, dimensions and treatment to make it a suitable growing medium,

' pre-commencement requirement for completion of the landscape works previously approved for site include planting of 500 trees and additional hedging.

6.4.8 The land parcel within which the proposed development will sit is approximately 3.5 acres in area. It is acknowledged that the proposed development (when coupled with the stabling already carried out) will involve the loss of grazing land by around 1 acre to support the four horses at the site and in this connection there is concern. Therefore, to support the application the submitted Design and Access Statement sets out that 'additional grazing is rented close by'. This land is identified on an accompanying map as '3 acres of supplementary grazing land' and lies around 400 m south of the site. Using DEFRA guidelines, as a general rule, each horse requires approximately 1.25 to 2.5 acres of grazing of a suitable quality if no supplementary feeding is being provided. As a minimum 4 horses would need 5 acres and with the supplementary grazing land this minimum would appear to be met. However, the guidelines go on to state that '*A smaller area may be adequate where a horse is principally housed and grazing areas are used only for occasional turnout.*'

6.5 Impact on natural environment: ecology and trees

Ecology

6.5.1 The application is accompanied by an Ecological Impact Assessment (EclA). The Council's Ecologist has been consulted on the application and EclA and is satisfied the proposal does not raise any significant ecology and biodiversity issues. It is simply requested that conditional requirements are put in place to ensure that works are carried out in accordance with the method statement set out in the EclA; that bat and bird boxes are provided to secure wildlife enhancements and that any external lighting requires prior approval - all in line with adopted development plan policies CS17 and MD12 and the NPPF. Further it is recommended that informatives relating to nesting birds, general wildlife and landscaping are included on any favourable decision notice.

6.5.2 Securing an acceptable landscaping scheme will also provide biodiversity enhancements.

6.5.3 In the circumstances and with the recommended planning conditions and informatives in place, it is considered that there is no barrier to the granting of consent on ecological grounds. The proposal is therefore considered capable of compliance with planning policy in

relation to ecology and biodiversity.

Trees

- 6.5.4 The application is accompanied by a Tree Condition Report, Arboricultural Impact Assessment (AIA), Method Statement (MS) and Tree Protection Plan (TPP). The Council's Tree and Woodland Officer has been consulted on the application and associated Tree Condition Report, AIA, MS and TPP and raises no objection on arboreal grounds, if a recommended tree protection condition is applied.
- 6.5.5 In the circumstances and with the recommended tree protection planning condition in place, it is considered that there is no barrier to the granting of consent on arboricultural grounds. The proposal is therefore considered capable of compliance with planning policy in relation to trees.
- 6.6 Residential and local amenity**
- 6.6.1 Policies CS6 and CS17 of the Core Strategy refer to the need safeguard residential and local amenity and recognise the importance of ensuring that developments do not have unacceptable consequences for neighbours.
- 6.6.2 No adverse residential amenity concerns have been raised, for example in relation to potential noise and disturbance. The Council's Environmental Protection Team have been consulted and have made no comments. As the development is for private use and not to be used for any business use or commercial gain and with planning conditions in place to restrict the development accordingly it is considered the proposal will not result in any unacceptable impact on the residential amenities of the surrounding properties.
- 6.7 Access and highway matters**
- 6.7.1 At Paragraph 115 of the NPPF it is stated that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 6.7.2 Access and highway matters did not form a previous reason for refusal. In relation to these matters in respect of the previous application it was reported, within section 6.5 of the officers delegated report that:

'The application form and description of development refers to private use only, with no indication of commercial activities or processes to be undertaken in association with the development, therefore the use is unlikely to result in a change of vehicular movements to and from the site and therefore raises no highway objection.'

It is considered however that the use of the building should be limited to the private use of the owner of the land on the site land holding identified by the blue line on the Location Plan and that its use shall not extend to any form of commercial equestrian use, commercial riding tuition, public events or gymkhanas.

If in the event that a more commercial use of the indoor riding area is proposed and facilities developed further, the proposal will need to be reassessed from the highway perspective and considered on its individual merits at that time.

It is considered that the proposal is unlikely to lead to adverse highway conditions on the adjoining county road. Subject to the use of the building being limited to the private use of the applicant, precluding any commercial equestrian use.'

6.7.2 As evidenced in the consultee comments of SC Highways submitted in respect of this current application - see section 4.1.3 above, this stance remains the same. Whilst public objections to the contrary are acknowledged, taking into account the judgment of the Council's Highway Officer and recommended planning conditions of an approval in place it remains to be considered that there are no substantive reasons to refuse the application on highway grounds.

6.8 Drainage and flood risk

6.8.1 The NPPF and Core Strategy Policy CS18 states that development should integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality.

6.8.2 Drainage and flood risk did not form a previous reason for refusal. On the issue of drainage in respect of the previous application it was reported, within section 6.4 of the officers delegated report that:

'Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.

The site does not appear to fall within an area of flood risk, however many local residents have stated the site experiences flooding issues. The applicant has stated that surface water drainage would run off wholly within the site and would not result in surface water affecting any surrounding roads.

No surface water drainage details have been submitted in support of this application to demonstrate the site can be adequately drained. The introduction of the previously approved stable block, the proposed horse exercise building and several horses on the site may exacerbate the surface water drainages issues, therefore a pre-commencement condition and informative relating to surface water drainage will be applied if approved, to ensure that the site can be adequately drained.

Pre-commencement condition:

Prior to the commencement of works a soakaway test shall be carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first occupation/use of the development (which ever is sooner)

Reason: The condition is a pre-commencement condition to ensure that the site can be adequately drained.'

6.8.2 It is indicated on the submitted plans that surface water drainage from the building will be disposed of to soakaways. However, no further drainage details are provided. In recognition of local concerns as previously stated, it is therefore considered appropriate to impose a drainage condition to secure the prior approval of a detailed drainage scheme. With an appropriate drainage condition in place it is therefore considered that policy CS18 in relation to drainage and flood risk can be satisfactorily addressed.

7.0 CONCLUSION

7.1 On balance, officers consider that the revised proposal the subject of this application for private use, as supported by additional information and revised plans, is now acceptable, will not give rise to unacceptable impacts on environmental quality, visual amenity, neighbouring residential amenity, highway safety and local drainage conditions and is capable of compliance with prevailing planning policies as relevant. Where previous issues have been raised then it is acknowledged that these have been satisfactorily resolved within the revised scheme and supporting information and can additionally be adequately addressed through the imposition of appropriate planning conditions of approval.

7.2 Approval is therefore recommended, subject to the imposition of the recommended conditions listed in the appendix below.

7.3 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS1, CS5, CS6, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD2, MD7b, MD12, MD13 and S17 and the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S17 – Wem

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

22/03974/FUL Erection of a stable building with access via Nook Lane GRANT 4th November 2022
23/00910/FUL Erection of a building for private horse riding practice and associated works, to include change of use of land REFUSE 17th April 2023
PREAPP/23/00397 Erection of a building for private horse riding practice and associated works to include change of use of land. PREAIP 7th August 2023
23/02615/DIS Discharge of Conditions 3 (External Materials), 4 (External Lighting) and 6 (Bat and Bird Boxes) relating to Planning Permission 22/03974/FUL DISPAR 31st July 2023
23/04027/FUL Erection of a building for private horse riding practice and associated works, to include change of use of land (Resubmission of Application Ref: 23/00910/FUL) NPW 27th October 2023
23/04624/FUL Erection of a building for private horse riding practice and associated works, to include change of use of land. (Resubmission of Application Ref: 23/00910/FUL) PCO
23/05192/DIS Discharge of Condition 5 (Drainage) relating to Planning Permission
22/03974/FUL DISAPP 8th January 2024

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S31OV0TDKYT00>

List of Background Papers (This MUST be completed for all reports, but does not include items

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containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
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Local Member

Cllr Paul Wynn

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.

3. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Arborist & Ecological Services Ltd Tree Protection Plan and Method Statement and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection'. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

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

4. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts and birds as provided in Section 6 of the Ecological Impact Assessment (Susan Worsfold, October 2022).

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

5. No above ground works shall be commenced until a soakaway test has been carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority, and a detailed scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority to serve the development hereby approved.

The agreed recommendations and approved surface water drainage scheme shall be implemented in full prior to the first occupation/use of the development (which ever is sooner).

Reason: The condition is a pre-commencement condition to ensure that the site can be adequately drained and to avoid flooding.

6. The building hereby approved shall be clad with dark green agricultural profile sheets to the external walls and roof and the access track hard surfacing shall be of hardcore - all as specified on the approved plans and within the application documentation.

Reason: To ensure that the works harmonise with the existing development.

7. Notwithstanding the details shown on the approved plans, no above ground works shall be commenced until full details of landscape works have been submitted to and approved in writing by the local planning authority. The details shall include:

- preparation and approval of a planting plan, specification and aftercare,
- details of the proposed planting mound composition, dimensions and treatment to make it a suitable growing medium,
- details of the completed landscape works previously approved for site including the planting of 500 trees and additional hedging

The landscape works shall be carried out in full compliance with the approved plan/s, details, schedule and time scales. 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.

8. Prior to first occupation / use of the building, the following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 1 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 1 artificial nests, 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 building's 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. (See <https://www.swift-conservation.org/Leaflet%20-%20-%20Swift%20Nest%20Bricks%20-%20-%20installation%20&%20suppliers-small.pdf> for more details).

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with adopted development plan policies MD12 and CS17 and section 180 of the National Planning Policy Framework.

9. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

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

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10. The development hereby approved shall not be used for any other purpose other than for the keeping, accommodation, riding, training and instruction of horses for private equestrian purposes only for the benefit of the land owner and shall not at any time be used for any business or commercial activities or public events.

Reason: As development in the locality is carefully controlled and in the interests of highway safety and to protect the amenities of the area.

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AGENDA ITEM



Committee and date

Northern Planning Committee

14th May 2024

Development Management Report

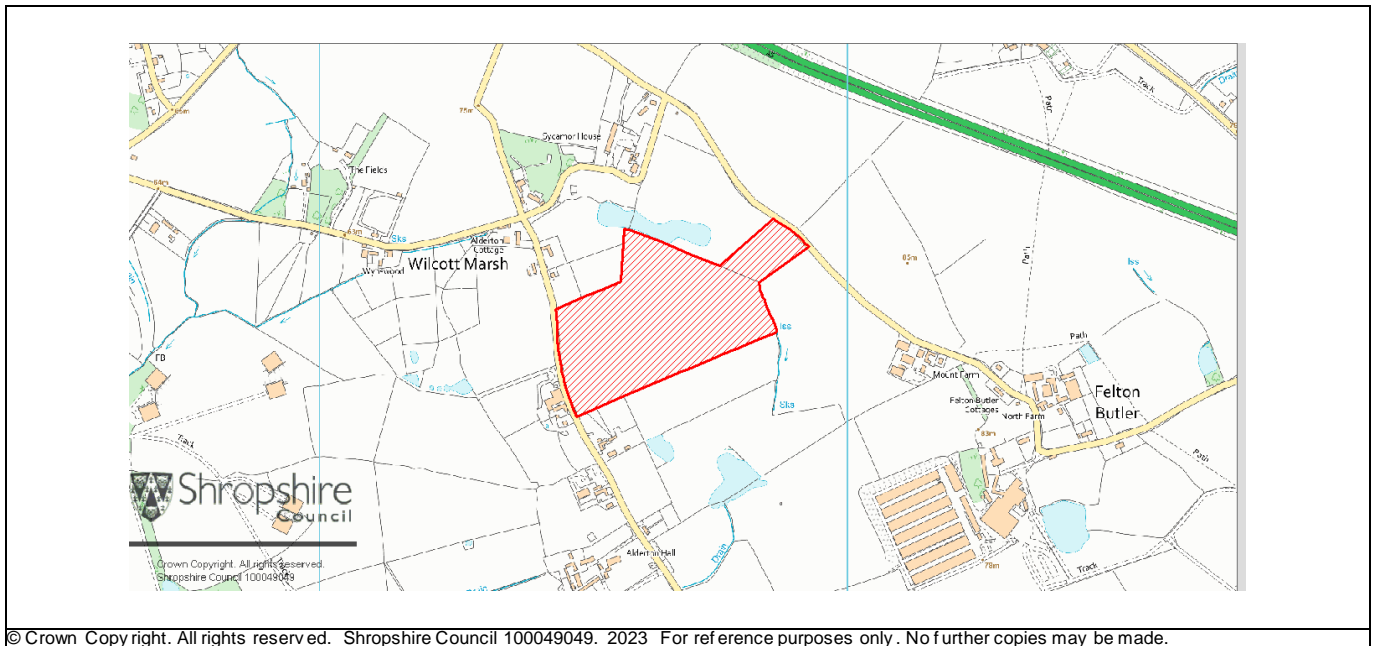
Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

<u>Application Number:</u> 17/05151/EIA	<u>Parish:</u>	Great Ness
<u>Proposal:</u> Erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting		
<u>Site Address:</u> Proposed Poultry Units NW Of North Farm Felton Butler Montford Bridge Shropshire		
<u>Applicant:</u> L J Cooke & Son		
<u>Case Officer:</u> Kelvin Hall	<u>email:</u> kelvin.hall@shropshire.gov.uk	
<u>Grid Ref:</u> 338761 - 317806		

AGENDA ITEM

Proposed Poultry Units NW
Of North Farm



FURTHER UPDATE REPORT

Recommendation: That delegated authority is granted to the Planning and Development Services Manager to **grant planning permission** subject to the conditions as set out in Appendix 2, and any amendments considered necessary to these by the Planning and Development Services Manager.

REPORT

A.0 BACKGROUND

A.1 This application was first presented to the Northern Planning Committee at its meeting on 10th October 2023, with an officer recommendation that planning permission should be refused. Members discussed the application and resolved the following:
That determination of the application be deferred to the next meeting of the Northern Planning Committee due to take place on 7th November 2023, to allow for the expiry of the statutory period for comments and representations and to give the applicant the opportunity to provide the additional information required.

A.2 Further information was submitted and the application was brought back to the North Planning Committee on 7th November 2023 with an officer recommendation that delegated authority was granted to the Planning and Development Services Manager to grant planning permission subject to the conditions as set out in Appendix 1, and any amendments considered necessary. Following advice from officers, Members resolved:
That determination of the application be deferred to a future meeting of the Northern

Planning Committee to allow for re consultation, in accordance with EIA legislation and procedures, following the applicant's submission of a significant amount of additional information in relation to ecology, ammonia emissions, landscape design, public highway access and an addendum to the Environmental Statement.

A.3 The re-consultation process has now been undertaken and this revised report has been prepared to enable Members to consider the application.

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
 - Details of proposed passing places along the public highway, routing of traffic including tractors and trailers associated with manure export
 - A revised landscaping plan.
- 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 has been carried out. This report includes details of the representations that have been received.

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 REPRESENTATION

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. A re-consultation process has taken place, including with relevant consultees, the parish councils, and the publication of a further press notice.

4.1.1 Great Ness and Little Ness Parish Council

The Parish Council originally objected to the application.

Comments 2/12/23: The parish council has considered recent info submitted and representations made by the applicant at a recent parish council meeting. Based on this the PC supports the application as it will provide viable long-term employment through a local business in the parishes. However, this is subject to appropriate long term measurement of environmental health factors being a requirement.

4.1.2 Environment Agency

Comments of 14/11/23: No further comment to make on the application but refer you back to our detailed response dated 26/9/23.

Comments of 26/9/23:

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)

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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 percent 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 attached as useful background information.

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/pollution-prevention-for-businesses>

4.1.3 **Historic England**

Comments of 13/11/23: Do not wish to offer any comments.

4.1.4 **SC Archaeology**

Comments 3/12/23: Officers refer to their previous advice of 30 November 2017, as set out below.

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.

4.1.5 **Natural England** Re-consulted on 21/9/23 and 10/11/23. No comments made.

For completeness, officers note that Natural England made the following comments in 12/5/21:

Insufficient information has been provided in relation to air quality impacts to enable the provision of a substantive response.

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.

Case Officer note: since these comments were made, detailed air impact assessments have been submitted which have assessed potential impacts on ecological receptors, and details are included in this report.

4.1.6 **SC Ecology**

Comments 12/3/24 Recommends conditions.

Threshold levels

Shropshire Council uses the 1% threshold set out in Natural England and the Environmental Agency's joint Air Quality Risk Assessment Interim Guidance (May 2022) and Natural Resources Wales' Guidance Note 020. Also, the Institute of Air Quality Management's A guide to the assessment of air quality impacts on designated nature conservation sites (May 2020) states that:

5.5.1.7 The 1% threshold has become widely used throughout the air quality assessment profession to define a reasonable quantum of long term pollution which is not likely to be discernible from fluctuations in background/measurements ... For example, for many habitats, 1% of the critical load for nitrogen deposition equates to a very small change of less than 0.1 kgN/ha/yr, well within the expected normal variation in deposition. ...

5.5.1.8 Crucially, the 1% screening criterion is not a threshold of harm and exceeding this threshold does not, of itself, imply damage to a habitat.'

The Guidance on Decision-making Thresholds for Air Pollution (JNCC Report No. 696, December 2021) states that 'This report is intended to be relevant to the preliminary steps in a decision-making process. The exceedance of a threshold is not decisive in and of itself, nor does it suggest that damage is likely to occur (in the case of [a] SSSI) or that it will not be possible to avoid adverse effects to site integrity (in the case of a European site). The exceedance of a threshold merely indicates a need for further assessment effort, in combination with other plans and projects before a decision can

be reached. No guidance is provided in respect of subsequent assessment stages.'

The most precautionary critical levels (1µg) were used for Fenemere and Hencott Pool.

Emissions figures

In relation to the emissions factor used, Natural Resources Wales and the Environment Agency accept an ammonia reduction factor of 35% for broiler buildings with heat exchangers and SC Ecology accept this approach.

In relation to the use of the 150 kg-N/ha/yr field emissions figure, my colleague commented on 26th October 2023 that 'Having analysed the submitted cropping nitrogen requirements for years 2019-2022 alongside Appendix 3 of the EIA, it appears that the nitrogen application rates on the two fields to be taken out of agricultural use have indeed been subject to N application rates at levels higher than 150kg-N/ha/yr since at least 2018. Therefore, it is agreed that the assumed rate of 150 kg-N/ha/yr used in the modelling is conservative and therefore the area of land being taken out of agricultural use is likely to be emitting more ammonia than is included in the modelling.'

There are no published emission factors with regard to the 'clearing out' process of the buildings. The process of clearing out of the litter from the poultry shed is a short process comprising 2-3 hours per shed and the emissions from this process during the calendar year is extremely small.

Mitigation measures

The modelling does not include the woodland planting as part of the mitigation measures. The planting will provide additional benefits over time, but does not factor into the calculations.

Air scrubbers are considered a Best Available Technique by the government. As per the recommended conditions, the scrubbers should be operational and maintained in accordance with manufacturer's recommendations.

In relation to water pollution, no manure arising from the poultry sheds will be spread on the land; it is taken to a licensed waste treatment. This is covered with the following condition:

- (a) All manure arising from the poultry buildings hereby permitted shall be taken off site to an anaerobic digester or other suitable disposal or management facility.
- (b) Records of the destination of each load of manure arising from the poultry buildings hereby permitted shall be made and these shall be made available to the local planning authority on request.

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

In-combination assessment

I have carried out an updated check of planning applications that could potentially act

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in-combination with Hencott Pool and Fenemere. The search was carried out using our planning applications GIS layer and includes undetermined applications and applications determined after December 2020 (which accounts for the 3 year rolling average of the background levels). The Process Contribution calculations are taken from the ammonia reports submitted with the planning applications.

Apart from 22/03828/EIA (mentioned below), the only planning applications that lie within 10km of either site and that could result in increases in ammonia emissions and nitrogen deposition are 20/05050/EIA, 22/02001/EIA and 23/04098/EIA. These applications were subject to ammonia modelling that concluded that there would be either be no increase in emissions or a reduction in emissions from the proposals. These projects therefore do not need to be included in the in-combination assessment.

Hencott Pool Ramsar

Hencott Pool, part of Midland Meres and Mosses Ramsar Phase 2, lies approximately 10km of the proposed development site. Hencott Pool was previously screened out of further consideration (in terms of ammonia emissions and nitrogen deposition) because it is right at 10km distance and the sensitive habitats on the site not within 10km. However, this was not made clear in my colleague's previous comments so I have included in in the HRA/AA for the sake of completeness.

One other project was identified as acting in-combination with Hencott Pool: planning application 22/03828/EIA at Painsbrook Farm. The results of the in-combination assessment for Hencott Pool are shown below:

Project reference	Process Contribution ($\mu\text{g}/\text{m}^3$)	%age of Critical Level	Process contribution (kg-N/ha/yr)	%age of Critical Load
17/05151/EIA (current application)	0.001	0.065	0.005	0.051
22/03828/EIA (Painsbrook Farm)	0.0007	0.07	0.005	0.05
Combined	0.0017	0.135	0.01	0.101

This demonstrates that with the proposed mitigation measures (installation of scrubbers and taking c. 5.5ha of arable land out of agricultural use), the impacts upon Hencott Pool will be insignificant. The combined air quality impacts will not exceed 1% of Hencott Pool's critical level or critical load.

Fenemere Ramsar

The project at Painsbrook Farm (22/03828/EIA) was not included in my colleague's in-combination assessment for Fenemere. It may have been screened out because the percentage contributions were below the JNCC de minimus thresholds. However, for

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the sake of completeness, I have added it to the in-combination assessment.

The results of the in-combination assessment for Fenemere are shown below:

Project reference	Process Contribution ($\mu\text{g}/\text{m}^3$)	%age of Critical Level	Process contribution (kg-N/ha/yr)	%age of Critical Load
17/05151/EIA (current application)	0.001	0.069	0.005	0.054
18/04877/FUL (Burlton Lane Farm)	0.0008	0.08	0.06	0.6
22/03828/EIA (Painsbrook Farm)	0.00036	0.01	0.003	0.03
Combined	0.00936	0.159	0.068	0.684

This demonstrates that with the proposed mitigation measures, the impacts upon Fenemere will be insignificant. The combined air quality impacts will not exceed 1% of Fenemere's critical level or critical load.

Environment Agency permits

Environmental permitting is a separate system to the planning system.

Permits are often given for larger numbers of livestock than are actually present on the site (to allow for growth within an existing permit without having to reapply).

Permits do not need to be considered as part of in-combination assessments.

(N.B. Shropshire Council applies much lower thresholds than the Environment Agency do for permitting purposes.)

Other points

Montgomery Canal Aston Locks – Keepers Bridge SSSI lies 9.8km from the site. The 39.8km is a typo in the ammonia report.

Following the Dutch Nitrogen case there was an industry and regulator pause on determining intensive farming applications. The current guidance adopted by Shropshire Council has been endorsed by Natural England and the Environment Agency and forms the basis of assessment for poultry applications.

4.1.7 **SC Public Protection**

Comments of 23/11/23: Previous Appeal decisions have queried the robustness of the

odour assessments in regards to poultry sites particularly in relation to the peak odour levels associated with the clearing out of the sheds. Environmental Protection recommended that the applicant provided evidence to address these concerns, these have been specifically addressed in Appendix 1 of the Environmental Statement Addendum. The detailed response submitted by the odour consultant makes a number of points that address these concerns in particular:

- Clearing out takes less than 4 hours and occurs every 42 days, because of the infrequent and short lived nature of the emissions it is generally accepted that it is not feasible to model these emissions.
- The emission rates can vary significantly depending on the management of the process throughout the growth cycle and during clean out. The Environmental Permit will require an odour management plan that should ensure appropriate controls are implemented.
- Evidence has been provided to suggest that the levels of odour emissions during clear out do not increase substantially during clear out if recognised control measures (such as only clearing out one shed at a time) are adhered to. It is predicted that the odour emissions increased by 9% during the clearing out of the first shed but would not increase during the clearing out of the other 3 sheds. It also points out that odour concentrations need to approximately double before a change is detected.
- Odour monitoring from poultry sheds in Worcester initiated due to a history of complaints has been used to demonstrate the impact of clearing out. The analysis of complaints evidence at this site indicated that only 7% of the complaints correlated with times when the sheds were being cleared out. It is noted that the modelled odour impacts at this site are reported to be substantially higher than at North Farm.

The evidence provided in this report indicates that the impact of any raised emission levels experienced during clear out are not likely to have a significant impact on the amenity of the nearby properties assuming appropriate management controls are adhered to. The Environmental Permit should contain an odour management plan which should detail all the necessary controls, the implementation of these controls will be enforced by the permit regulator. The Environment Agency have been consulted as the regulator of the Environmental Permit and have not raised any concerns regarding the ability of the proposal to meet the objectives of the permitting regime. It is therefore assumed that the potential impacts from onsite activities can be adequately controlled by the Permit.

Comments of 10/10/23: Queries have been raised regarding the Inspector's report for a recent appeal hearing. The Inspector questioned the model input data and methodology used in assessing the odour and whether the assessment considered the peak odour levels for example during shed clearance. An independent expert witnesses provided evidence at this hearing and agreed that the methodology of the assessment was in accordance with guidance and appropriate. Environmental

Protection does not have the specialist expertise to comment on the findings of this hearing in regards to the expert reports and the modelling methodology.

However, Section 3.2 of the odour report indicates that there is little factual information on odour emission levels during clear out and the odour model has not specifically considered the emission levels during clear out. As a result the model does not fully consider the peak levels. To address the concerns raised in the Tasley appeal it is recommended that the applicant is asked to provide evidence to demonstrate that the input data is robust and that the peak levels have adequately been considered. It should be considered whether real emissions data from similar sized sheds could be used in the model, including emission levels during clear out, and whether this would make the model more robust?

It should also be noted that the existing poultry sheds hold an environmental permit, regulated by the Environment Agency and the proposed expansion will require a variation application to be submitted for approval. Environmental Permitting guidance recommends that the permit applications and planning consents are twin tracked to make the process more efficient, both for the applicants and regulators.

Paragraph 188 (now paragraph 194) of the NPPF makes it clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

The environmental Permit regime is designed to prevent pollution, the Environmental Permitting Regulations define pollution as:

“pollution”, other than in relation to a water discharge activity or groundwater activity, means any emission as a result of human activity which may—

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) impair or interfere with amenities or other legitimate uses of the environment;

This definition suggests that you could assume this means impacts on the amenity such as odour and noise will be adequately regulated by the permit. Para 188 (now paragraph 194) of the NPPF makes it clear that we should assume the permit is effectively regulated and should not be imposing conditions for the purpose of controlling emissions that are regulated by the permit, this includes emissions to air, water or land and emissions of odour and noise.

The only exception is where impacts might occur because of the development but are not within the boundary of the environmental permit and therefore would not be controlled by the permit. For example, if the development results in increased traffic flows that may impact on surrounding properties or where muck from an agricultural

use is spread off site and hence may have an impact on the surrounding area. These issues may make a site unsuitable for the development.

This application indicates that additional manure from the poultry sheds will be sent to a regulated anaerobic digestion plant, emissions from such plant will also be regulated by the Environmental Permitting regime and therefore EP do not have concerns regarding offsite environmental impacts due to manure disposal. It is recommended that it is a condition of any consent that manure is disposed of via a regulated AD plant.

The noise report indicated that vehicle movements off site were not likely to have a significant adverse impact.

In summary, Environmental Protection does not have concerns regarding potential off site impacts because of the proposed development assuming an appropriate manure management condition is applied. The Environment Agency have been consulted as the regulator of the Environmental Permit and have not raised any concerns regarding the ability of the proposal to meet the objectives of the permitting regime. It is therefore assumed that the potential impacts from onsite activities can be adequately controlled by the Permit.

4.1.8 **National Highways**

Comments of 17/11/23: No objection. The development is unlikely to have a significant impact upon the Strategic Road Network (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.

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

Comments 27/10/23: It is noted that in response to the issues raised in relation to the provision of passing places, a plan Drg.No.MZ119-10 has been submitted showing 3 passing places being provided. Having considered these proposals, whilst the locations of the 3 passing places are acceptable, it is considered that a further 3 places should be provided. In the circumstances and on the basis that the applicant is prepared to accept this requirement, then the matter could be dealt with under a negatively worded planning condition as previously requested. It is confirmed that the 3 additional passing places to be provided can be accommodated within the existing highway limits and therefore do not include third party land.

As regards the movement of manure from the site, the supporting information indicates that this would be taken to Wykey Farm and it is assumed therefore that the movement and tonnage of manure to be taken from the application site to Wykey Farm would be contained within the overall tonnage restriction placed upon the Wykey Farm planning consent.

4.1.10 **SC Drainage**

Comments of 7/12/23: No further comments to add to those of 17/10/23.

Comments of 17/10/23: 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.

The outline drainage strategy report indicates a controlled discharge to the adjacent watercourse is to be used. It must be demonstrated that the watercourse has connectivity to a larger ditch and watercourse network downstream.

Details and plans 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.

4.1.11 **Shropshire Fire and Rescue**

The Fire and Rescue team have provided general comments regarding requirements for access for emergency fire service vehicles and for water supplies; and has advised that those matters will be considered at Building Regulations stage.

4.2 **Public comments**

4.2.1. The application has been advertised by site notice and in the local press. At the time that the application was first submitted residential properties in the vicinity of the site were directly notified. Objections have been received from 31 households and two letters 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 Representations received up until the preparation of the original committee report in October 2023:

The following public representations had been received at the time of the preparation of

the original committee report in October 2023.

4.2.3 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

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- inspector considered that although the air scrubbers would reduce ammonia of 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.
- 4.2.4 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”.
- 4.2.5 The website states that the petition had 1,308 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 is relevant but the substance of what these say.
- 4.2.6 In addition to the above **Nesscliffe Hills & District Bridleway Association** objected (4/12/17) 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.
- 4.2.7 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.

4.2.8 Representations received since 10th October 2023:

The following public representations have been received since the original committee report was published on 10th October 2023.

4.2.9 Objections:

- The 10th October committee report acknowledges that the odour modelling does not allow for cleaning out operations, and that an appeal decision (for a different site) has been made that references that odour modelling does not include cleaning out operations and that the Inspector felt this was incorrect and was part of his reasoning for refusing the appeal
- Appeal decision referred to odour modelling inadequacies and that the conclusions reached in the odour assessment for that site cannot be relied upon
- Committee report stated that the odour assessment was undertaken by a different consultant and did not refer to insufficient odour modelling as a reason for refusal
- However the report has the same inadequacies identified by the Inspector in the appeal referenced above regarding ignoring clean out operations and odour modelling inadequacies and this should be added to the grounds for refusal
- Odour report includes contradictions and weaknesses
- Case study is out-of-date and not peer-reviewed
- High density of chicken farms in the area; Defra guidance is that consideration should be given to providing the maximum possible distance between the proposed site and existing sites to improve biosecurity; a useful guide is 3km; therefore the site is unsafe from a bio-security point of view
- Cumulative impacts from ammonia emissions of all of the c. 2 million chickens within 3km around Nesscliffe should be considered
- Short and long term health implications of two chicken farms in the area
- Query what happens if farm becomes no longer associated with the applicant
- Granting permission would leave Council facing a strong legal challenge
- Odour assessment downplays likely impacts on residents
- Cannot be assumed that having an Environmental Permit ensures there would be no impact on residents and amenity
- Failure to address cumulative impacts
- Failure to assess all harmful impacts
- No assessment as to how digestate produced by the AD plant taking the manure would be disposed of
- The air quality assessment: fail to consider limitations where thresholds to protected sites are exceeded; fails to include all emission sources in the assessment; uses self-selected emissions factors; has an absence of evidence base for proposed mitigation
- The HRA: fails to fully address in-combination effects; fails to secure adequate mitigation

4.2.10 **Sustain (a UK registered charity which is an “alliance for better food and farming”)** Objects, for the reasons as summarised below (full details on planning portal):

- Sustain and others have declared a climate and nature emergency; the application is likely to be incompatible with this, and local and national net zero policies
- application does not include an assessment of the impact of the development on greenhouse gas emissions and therefore climate change; not possible to ascertain whether the development is compatible with the NPPFs climate aims or local and national climate policy
- the Environmental Statement's failure to consider the climate impacts of the development is contrary to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- the development does not constitute a shift to low-carbon industries as required by the UK's net zero strategies
- chicken is a high-carbon food source and intensive chicken production is a high-GHG emission industry
- the application states that it would reduce 'food miles' but these are a negligible emissions factor in the GHG footprint of chicken
- the largest sources of GHG emissions are enteric emissions (from digestion), feed and manure management. These are not included in the ES
- emissions would add significantly to the borough's emissions and greatly risk the delivery of the Council's strategy to achieve net zero by 2030 under its climate emergency declaration of 2019
- other low-carbon farming systems can provide greater food security and deliver net zero, boost local economies, create jobs, and improve biodiversity
- the application is likely to result in pollution and biodiversity loss
- application does not include a comprehensive waste assessment or waste management strategy, sufficient to prevent further pollution of rivers and damage to wildlife including sensitive areas. This threatens local and national biodiversity and nature recovery targets
- waste would be sent to an anaerobic digester and these create a concentrated digestate that is often spread on land; this contributes to pollution loads in water and air. This waste will not be controlled by an environmental permit and should therefore be included in the environmental statement
- as noted by officers, there is a requirement to undertake an assessment of indirect effects, such as relating to odour and dust, which may arise from the production of digestate and spreading of this onto farmland. This matter was confirmed under a recent Court of Appeal judgement. No assessment of this digestate waste has been provided
- likely to result in a net loss in biodiversity, from the land needed to produce animal feed, and increased pollution. This is a significant use of land, soil, water, and biodiversity resources during the operational phase
- no assessment of the impact of feed has been provided
- lack of due consideration of the economic impacts of intensive livestock farming, and

- sustainable farming models as a better alternative
- failure to consider alternative models for development
- few jobs would be created; workers likely to be low paid and at risk of exploitation
- health risks of workers
- environmental impacts of importation of animal feed such as soya from overseas

4.2.11 Support

- we live one field away from the site, as tenants at Mount Farm house; any noises, odour or traffic from Manor farm has no effect on our day to day life; regularly sleep with the window open in the summer months and dine outside; there are benefits from bringing possible employment and enhancing the efficiency of North Farm

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. 85). 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. 88).
- 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 and 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 and social 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

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- 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;
 - 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. 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. The applicant has submitted an updated landscaping plan which includes additional tree planting. It is considered that this would provide additional visual and ecological benefits. A detailed plan, to include this and the specification for ammonia mitigation planting, can be required as part of a planning condition. 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 assessed 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 can 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 and, if this is not possible, then it would be exported by Gamber Logistics Limited. The Council's highways team have advised that passing places would be required along the local lane given the restricted width of this.

6.5.4 Since the 10th October 2023 committee meeting further highways information has been submitted. This has put forward more details of options for proposed passing places, and in relation to the routing of traffic including those vehicles exporting manure from the site. The Council's Highways Officer has reviewed these and has advised that a further three passing places should be provided in addition to the three proposed by the applicant. It is considered that this would minimise traffic disruption of the local highway network to an acceptable level. The applicant has agreed to providing six passing places. The proposed heavy vehicles would use a segment of the local highway that is currently used by vehicles associated with the Manor Farm poultry operation which is a short distance away. It is recognised that there is the potential for conflict however given the levels of use, the short distance of the shared route, and the proposed provision of passing places it is not considered that this issue would result in an unacceptable impact on the highway network.

6.6 Ecological consideration

6.6.1 Core Strategy policies CS6 and CS17 seek to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. 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 180 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 186 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. It 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 estimate ammonia emissions from the existing manure spreading.
- 6.6.6 Since the 10th October 2023 committee meeting a revised ammonia report has been submitted, together with a statement which clarifies a number of issues that were previously raised through the consultation process. The Council's ecologist has reviewed these, and also matters raised through the public consultation process. In summary:
- the ammonia mitigation being proposed includes the installation of the air scrubbers on each of the buildings together with the removal of 5.5 hectares of land from arable use and the consequential cessation of fertiliser inputs;
 - woodland planting would provide additional benefits over time;
 - Officers accept that the modelled nitrogen application rates to existing farmland at the site are conservative and as a consequence the land that is proposed to be removed from agricultural use is likely to be emitting more ammonia than is

- suggested by the modelling;
- Checks have been undertaken of operations that could potentially act in-combination with Hencott Pool and Fenemere Ramsar sites and the ecologist has confirmed that these do not need to be included in the in-combination assessment.
- 6.6.7 The modelling and assessment demonstrate that, with the proposed mitigation in place, the impacts on the Fenemere Ramsar/SSSI would be insignificant. In relation to the Habitats Regulations assessment, it is considered that the project is unlikely to result in a significant effect on this designated site. This conclusion is subject to the area of tree planting being not less than 3.01 hectares. A Habitats Regulations Assessment is included as Appendix 1 to this report. This concludes that subject to the mitigation proposed, the proposed development alone, or in-combination with any other projects, would not result in adverse effect on site integrity on Fenemere or Hencott Pool. Subject to the conditions recommended by the ecologist, it is considered that the previously-raised ammonia impact issues have been addressed, and that the proposal complies with relevant policies including 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 and health 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. Paragraph 191 of the NPPF

states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. 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: It is understood that there is an Environmental Permit (EP) in place which has been issued by the Environment Agency and which authorises the poultry operation under the Environmental Permitting regulations. This EP would regulate the day to day general management of the operation, including any pollution incidents, and noise and odour issues. Paragraph 194 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.
- 6.8.3 The Environmental Permitting regime is designed to prevent pollution and includes pollution from odour and noise. The definition of pollution contained within the Environmental Permitting Regulations includes emissions that may “cause offence to human sense or impair or interfere with amenities or other legitimate uses of the environment. As part of the permit application process the applicants are required to carry out a risk assessment of potential impacts. The Environment Agency’s guidance on Intensive Farming Risk Assessment for Environmental Permits advises that the applicant must assess if emissions of odour, noise, dust & aerosols and ammonia are likely to affect receptors. The Environment Agency can refuse a permit application if it considers the environmental impact to be unacceptable or if the information provided is not adequate to determine the application.
- 6.8.4 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.
- 6.8.5 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.
- 6.8.6 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.

- 6.8.7 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, and by management of the sheds. 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.
- 6.8.8 Odour modelling and methodology: 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.
- 6.8.9 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.

- 6.8.10 The appeal decision states that the odour assessment fails to consider peak odour concentrations at the end of the growing cycle and during the cleaning out of the poultry buildings. Following a complaint made regarding this, the Planning Inspectorate has investigated and have confirmed that this statement is incorrect and that the assessment did take into account these odours. Upon the request of the Inspectorate Shropshire Council has “de-published” the appeal decision. Officers consider that the extent to which this decision can be relied upon in relation to odour matters is diminished due to the de-publication of the decision.
- 6.8.11 In relation to the current application the Council’s Regulatory Services officer has not raised any concerns over the methodology used in the odour assessment and there does not appear to be any reason to do so for this particular proposal. The odour report puts forward recommended mitigation measures to ensure that odour arising from the clearing out process is minimised. The Environmental Permit applies conditions to ensure appropriate plant is installed and maintained in order to avoid odour pollution and relevant management practices are adhered to. The planning conditions will require the proposals to be constructed in accordance with the submitted plans but the ongoing management of the site will be regulated by the Permit.
- 6.8.12 Consideration of Odour Impact Assessment: 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.
- 6.8.13 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 Bulter, 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.

- 6.8.14 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.
- 6.8.15 The additional statement that has been provided by the applicant's odour consultant advises that objective evidence obtained from another broiler unit demonstrates that odour emissions during cleaning out operations would result in no more than a 10% increase in total emissions. It states that this would not be detectable by off-site receptors. It concludes that the modelling approach taken is precautionary and representative. It considers that site management controls can be implemented to minimise emissions. In particular, only cleaning out one shed at a time, and using minimal ventilation during cleaning where possible. These measures could be included with an Odour Management Plan which would be required under the Environmental Permit.
- 6.8.16 Officers accept that the modelling has taken into account odour emissions during cleaning out operations, and that the level of assessment is satisfactory. Detailed matters relating to the control of emissions would be regulated by the Environment Agency under the Environmental Permit. The Agency have issued a Permit and have raised no objections to the proposal. Therefore, it is considered that the previously-raised odour issues have been addressed, and that the proposal would not result in unacceptable levels of odour and is therefore acceptable in relation Core Strategy policies CS5 and CS6, SAMDev Plan policy MD7b and the NPPF.
- 6.8.17 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. The recently-submitted Environmental Statement Addendum includes further details of proposals for manure management. The applicant has now confirmed that all manure arising from the proposed operation would be exported off site to an anaerobic digester or other licensed waste management facility for treatment. Officers consider that this satisfactorily addresses the manure management issue and a

planning condition can be imposed to require that such export takes place.

- 6.8.18 Biosecurity: Public representations have raised concern over the density of chicken farms in the area, and have referred to Defra guidance that states that consideration should be given to providing the maximum possible distance between the proposed site and existing sites to improve biosecurity, and that a useful guide is 3km. Officers acknowledge this guidance and that the proposed site does not adhere to it in terms of siting, but do not consider that this carries sufficient weight to warrant a refusal of the current application.

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 and social 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 An Environmental Permit for the proposed poultry operation has already been issued by the Environment Agency and they have raised no objection to the planning application. This would indicate that the appropriate assessments have been considered as part of the permitting process and the Agency are satisfied that the objectives of the Environmental Permit can be achieved. This is consistent with the findings of the EIA which concludes that with the control measures detailed in the application the proposals are not likely to cause a significant adverse impact.
- 7.3 The further information submitted, which provides more clarity on proposed mitigation measures, now provides a satisfactory level of assessment in relation to potential ecological impacts from ammonia emissions. The proposals put forward for the management of manure arising from the operation are now satisfactory. Furthermore, the additional information which has been submitted, which includes highway improvements in the form of passing places, now demonstrates that the likely impacts on the highway network would not be unacceptable. An enhanced landscaping plan has also been provided and it is considered that the adverse landscape and visual impacts would be outweighed by the benefits of the proposal. Whilst it is recognised that a proposal of this nature and scale is likely to result in some impacts in the local area, it is concluded having regard to the benefits of the proposal that these on balance would not be unacceptable. The proposed development is therefore in line with Development Plan policy and it is recommended that planning permission can be granted subject to the conditions set out in Appendix 2.

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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.

-	Proposed Poultry Units NW Of North Farm
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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 – HRA APPENDIX 2 - Conditions

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APPENDIX 1 – HABITATS REGULATIONS ASSESSMENT (HRA)

1.0 INTRODUCTION

As required by Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (as amended), before Shropshire Council (the competent authority) can grant planning permission for a project that has the potential to affect an internationally designated site, the council has to undertake a Habitat Regulations Assessment.

This is a record of the Habitat Regulations Assessment (HRA) (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Shropshire Council relating to the following planning application.

NAME OF PLAN OR PROJECT AND DESCRIPTION:	17/05151/EIA Proposed Poultry Units NW Of North Farm, Felton Butler, Montford Bridge, Shropshire Erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting
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2.0 HRA STAGE 1 – SCREENING

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

NAME AND DESCRIPTION OF SITE(S) SITE SCREENED IN FOR CONSIDERATION:	<p>Fenemere Fenemere Midland Meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water. Fenemere is also important for its rich aquatic invertebrate fauna. It is included within the Ramsar Phase for its open water, swamp, fen, wet pasture and Carr habitats with the species <i>Cicuta virosa</i> and <i>Thelypteris palustris</i>.</p> <p>Hencott Pool Most of Hencott Pool Midland Meres and Mosses Ramsar Phase 2 (11.5ha) is swamp carr on very wet peat dominated by alder <i>Alnus glutinosa</i> and common sallow <i>Salix cinerea</i> with frequent crack willow <i>Salix fragilis</i>. Although there are considerable areas of bare peat beneath the trees, there is a rich flora of fen plants. It is included in the Ramsar Phase for its Carr habitat and the species <i>Carex elongata</i> and <i>Cicuta virosa</i></p>
POTENTIAL EFFECT	Airborne ammonia emissions and nitrogen deposition

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PATHWAYS:	
IS THE PROJECT DIRECTLY CONNECTED WITH OR NECESSARY TO THE MANAGEMENT OF THE SITE (PROVIDE DETAILS)?	No
ARE THERE ANY OTHER PROJECTS OR PLANS THAT TOGETHER WITH THE PROJECT BEING ASSESSED COULD AFFECT THE SITE (PROVIDE DETAILS)?	Yes. Planning applications pending a decision, permitted developments yet to be built and permitted developments which came into use after the last update of the APIS background levels which would give rise to ammonia emissions/nitrogen deposition on the above designated sites.

2.1 ARE SIGNIFICANT EFFECTS LIKELY?

Fenemere Ramsar lies approximately 7.4km to the north-east and Hencott Pool lies approximately 10km to the east.

In the absence of the proposed mitigation, ammonia emissions from an additional 200,000 broiler birds, is likely to give rise to significant adverse effects upon Fenemere and Hencott Pool through airborne ammonia emissions and nitrogen deposition.

2.2 SCREENING CONCLUSION

Following Stage 1 screening, Shropshire Council has concluded that the proposed development is likely to have a significant effect on the Midland Meres and Mosses Phase 1 Ramsar (constituent site Fenemere) and the Midland Meres and Mosses Ramsar Phase 2 (constituent site Hencott Pool). An Appropriate Assessment is therefore required.

3.0 HRA STAGE 2 – APPROPRIATE ASSESSMENT

3.1 PREDICTED IMPACTS - ALONE

Information regarding the existing and proposed ammonia emissions and nitrogen deposition upon designated sites are taken from the *A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire* (AS Modelling & Data Ltd, Revision 11 - October 2023).

Mitigation measures are proposed in the form of scrubbers installed on the new buildings and taking c. 5.5ha of arable land out of agricultural use.

The process contributions of the proposed project to the critical level of ammonia and critical load of nitrogen with mitigation measures in place are:

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Fenemere Ramsar

Proposed Process Contribution % age of Critical Level: 0.069%

Proposed Process Contribution % age of Critical Load: 0.054%

Hencott Pool Ramsar

Proposed Process Contribution % age of Critical Level: 0.065%

Proposed Process Contribution % age of Critical Load: 0.051%

The modelling shows that the application will result in small increases in the ammonia and nitrogen levels at Fenemere and Hencott Pool. However, the increases are so small as to be insignificant.

3.2 PREDICTED IMPACTS – IN-COMBINATION

A search of applications currently undecided or not in the background has identified additional projects which need to be assessed in-combination with this application. The results of the in-combination assessments are shown below:

Fenemere Ramsar

Project reference	Process Contribution ($\mu\text{g}/\text{m}^3$)	%age of Critical Level	Process contribution (kg-N/ha/yr)	%age of Critical Load
17/05151/EIA (current application)	0.001	0.069	0.005	0.054
18/04877/FUL (Burton Lane Farm)	0.008	0.08	0.06	0.6
22/03828/EIA (Painsbrook Farm)	0.00036	0.01	0.003	0.03
Combined	0.00936	0.159	0.068	0.684

Hencott Pool Ramsar

Project reference	Process Contribution ($\mu\text{g}/\text{m}^3$)	%age of Critical Level	Process contribution (kg-N/ha/yr)	%age of Critical Load
17/05151/EIA (current application)	0.001	0.065	0.005	0.051
22/03828/EIA (Painsbrook Farm)	0.0007	0.07	0.005	0.05
Combined	0.0017	0.135	0.01	0.101

This demonstrates that with the mitigation measures in place, the impacts upon Fenemere and Hencott Pool Ramsar sites will be insignificant. The combined air quality impacts will not exceed 1% of critical level or critical load.

3.2 COUNTERACTING (MITIGATION) MEASURES

Inno+ ammonia scrubbers will be installed on the new poultry buildings.

Approximately 5.5ha of arable land will be taken out of out of agricultural use.

3.3 ASSESSMENT OF ADVERSE EFFECTS ALONE

There will be no adverse effect on site integrity, alone, on Fenemere or Hencott Pool.

3.4 ASSESSMENT OF ADVERSE EFFECTS IN COMBINATION

There will be no adverse effect on site integrity in-combination with any other projects on Fenemere or Hencott Pool.

3.5 SECURING OF MITIGATION MEASURES

The following conditions will secure the required mitigation:

1. Prior to the commencement of the development a scheme shall be submitted in writing detailing contingency measures to be adopted to in the event that the operation of the scrubbing units is not possible, such as plant breakdown, and set out procedures to ensure that the time without the use of air scrubbing unit is minimised. The poultry rearing operation shall be undertaken in accordance with the approved scheme.

Reason: to mitigate adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework

2. No birds shall be brought to any of the rearing units hereby permitted, unless the associated air scrubbing unit is in effective working order.

Reason: To prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

3. Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) shall be submitted to the LPA to confirm that the air scrubbers as detailed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire, Revision 11' (AS Modelling & Data Ltd, 13 October 2023), 'Air scrubber: Noise Impact Assessment' Report M1723/R03 (Matrix, 29 June 2020) and Addendum Report - Assessment of Odour Impact of Proposed Poultry Unit at North Farm, Felton Butler, Montford Bridge, Shrewsbury with Air Scrubbers (ADAS, June 2020) have been installed and are fit for purpose. The air scrubbers shall be maintained and operated thereafter, in accordance with the manufacturer's instruction for the lifetime of the development.

Reason: To prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

4. The poultry rearing units hereby approved shall be limited to occupation by 200,000 birds.

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Proposed Poultry Units NW
Of North Farm

Reason: To ensure that the restriction on the maximum number of birds to be kept in the buildings at any one time can be satisfactorily enforced, in order to prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

5. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a. Planting plans including an area of no less than 3 hectares of native woodland tree planting as shown in Figure 2 of 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire', Revision 11 (AS Modelling & Data Ltd, 13 October 2023)
 - b. Written specifications for establishment and aftercare of planting;
 - c. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d. Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved, Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species. The approved plan shall be carried out as approved.

Reason: To ensure the provision appropriate landscape design for biodiversity and visual impact mitigation.

4.0 FINAL CONCLUSION

Following Stage 1 screening, Shropshire Council concluded that the proposed development is likely to cause significant effects on the Midland Meres and Mosses Phase 1 Ramsar (constituent site Fenemere) and the Midland Meres and Mosses Ramsar Phase 2 (constituent site Hencott Pool) through airborne ammonia emissions and nitrogen deposition.

Shropshire Council carried out an Appropriate Assessment of the project, considering further information. The Appropriate Assessment concludes that with the imposition of mitigation measures, the proposed works under planning application reference 17/05151/EIA will not adversely affect the integrity of the Midland Meres and Mosses Phase 1 Ramsar (constituent site Fenemere) and the Midland Meres and Mosses Ramsar Phase 2 (constituent site Hencott Pool).

DATE OF COMPLETION OF THE HRA SCREENING MATRIX:

16th March 2024

HRA COMPLETED BY:

Sophie Milburn
Planning Ecologist
Shropshire Council

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-	Proposed Poultry Units NW Of North Farm
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APPENDIX 2 - Conditions

STANDARD CONDITION(S)

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

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

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

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

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

4. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) details of measures proposed to prevent water pollution during construction works and prior to the completion of the drainage scheme, and
- b) identification of persons responsible for implementation of the approved CEMP:

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect the water environment from pollution.

5. Prior to the commencement of the development a scheme shall be submitted in writing

detailing contingency measures to be adopted to in the event that the operation of one or more of the scrubbing units is not possible, such as plant breakdown, and set out procedures to ensure that the time without the use of air scrubbing is minimised. The poultry rearing operation shall be undertaken in accordance with the approved scheme.

Reason: To mitigate adverse impact on biodiversity from ammonia emissions consistent with the SAMDev Plan policy MD2 and the NPPF.

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

- a. Planting plans including an area of no less than 3 hectares of native woodland tree planting as shown in Figure 2 of 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire', Revision 11 (AS Modelling & Data Ltd, 13 October 2023)
- b. Written specifications for establishment and aftercare of planting;
- c. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d. Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species. The approved plan shall be carried out as approved.

Reason: To ensure the provision appropriate landscape design for biodiversity and visual impact mitigation.

7. No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The site may hold archaeological interest.

8. Prior to the commencement of the development full engineering details of a total of six passing places along the local highway network (C1060), between the site access and the A5 (T), shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before any construction of the proposed buildings are undertaken.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway, nor cause inconvenience to other highway users, during construction of the development and the use of the site thereafter.

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

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Proposed Poultry Units NW
Of North Farm

THE OCCUPATION OF THE DEVELOPMENT

9. 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.

10. 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.

11. The permitted poultry operation shall not commence until the approved vehicular access and visibility splays have been completed. The area within the sight lines shall also be kept clear of all obstructions, in perpetuity.

Reason: To ensure that the development should not prejudice the free flow of traffic and any conditions of safety on the highway, nor cause inconvenience to other highway users, during construction of the development and the use of the site thereafter

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

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

13. Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) shall be submitted to the LPA to confirm that the air scrubbers as detailed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire' (AS Modelling & Data, 4th January 2021, Revision 11 (13th October 2023), 'Air scrubber: Noise Impact Assessment' Report M1723/R03 (Matrix, 29 June 2020) and Addendum Report - Assessment of Odour Impact of Proposed Poultry Unit at North Farm, Felton Butler, Montford Bridge, Shrewsbury with Air Scrubbers (ADAS, June 2020) have been installed and are fit for purpose. The air scrubbers shall be maintained and operated thereafter, in accordance with the manufacturer's instruction for the lifetime of the development.

Reason: To prevent adverse impact on biodiversity from ammonia emissions consistent with

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Proposed Poultry Units NW
Of North Farm

the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

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

14. Any gates provided to close the proposed access shall be set a minimum distance of 20 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

15. All development including site clearance and landscaping shall proceed strictly in accordance with Reasonable Avoidance Measures as detailed within section 5 of Ecological Impact Assessment, Churton Ecology, February 2022.

Reason: To ensure the protection of great crested newt.

16. Forklifts or other mechanical vehicles associated with the collection and delivery of birds shall be electric only.

Reason: To minimise noise emissions.

17. No birds shall be brought to any of the rearing units hereby permitted, unless the associated air scrubbing unit is in effective working order.

Reason: To prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

18. The poultry rearing units hereby approved shall be limited to occupation by 200,000 birds.

Reason: To ensure that the restriction on the maximum number of birds to be kept in the buildings at any one time can be satisfactorily enforced, in order to prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

19. (a) All manure arising from the poultry buildings hereby permitted shall be taken off site to an anaerobic digester or other suitable disposal or management facility.

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

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

20. (a) There shall be no more than 8 bird growing cycles per calendar year.

(b) Records of the start and finish date of each growing cycles shall be made and shall be made available to the local planning authority on request.

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Proposed Poultry Units NW
Of North Farm

Reason: To ensure that the number of bird growing cycles does not increase significantly over that proposed in order to limit the potential for adverse impacts due to odour and ammonia emissions.

Informatives

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

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

2. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation [and buildings] for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence. No clearance works can take place within 5m of an active nest.

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/>

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AGENDA ITEM



Committee and date

Northern Planning Committee

14th May 2024

Development Management Report

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

Summary of Application

Application Number: 24/00342/FUL	Parish: Ellesmere Urban
Proposal: Construction of new dwelling with alterations to existing access	
Site Address: Proposed Dwelling North of Garth Willow Street Ellesmere Shropshire	
Applicant: Alex Smith	
Case Officer: Mark Perry	email: mark.perry@shropshire.gov.uk

Grid Ref: 339930 - 334945

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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the erection of a single detached dwelling.

1.2 Planning permission has recently been refused on two occasions for outline consent for the erection of a detached dwelling on the site (application no's. 22/05059/OUT and 23/00444/OUT). Permission was refused on the 22nd December and again on the 23rd March for the following reasons:

22/05059/OUT

It is considered that the ability to develop the site for a single dwelling without impacting upon the visual amenity of the area, neighbour amenity and highway safety has not been adequately demonstrated. The arrangements shown on the submitted plan show a development that would be excessively prominent on this highly visible and elevated plot, its position within the plot fails to relate to the existing built form, the development would also likely result in a loss of light to the neighbouring dwelling and the off street parking and turning space is not considered to be sufficient or workable without detrimentally impacting upon the safety of highway users. As such the proposed development scheme is considered to be contrary to MD2 of SAMDev and CS6 of the Core Strategy.

23/00444/OUT

On the basis of the details submitted it is considered that the proposed development would be of a layout that results in the over development of the plot resulting in small and poor quality amenity space for future residents. The arrangements shown on the submitted plan show a development that would be excessively prominent on this highly visible plot. The dwelling would be at odds with the character, massing and built form of surrounding development. Additionally the needs of future occupiers to create a private garden would likely lead to obtrusive boundary treatments and garden paraphernalia in a prominent corner position on the main road through the town. As such the proposed development scheme is considered to be contrary to MD2 of SAMDev and CS6 of the Core Strategy.

1.3 In response to the previous refusals the applicant has submitted requests for pre-application advice which has now led to the submission of this full application. Unlike the previously refused applications the submission now includes all of the details and plans to be able to fully consider the proposal.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The land was originally part of the garden to Garth which is the dwelling located to the south, although more recently it has been separated by the erection of a new fence. The site is within the very heart of Ellesmere and is a prominent corner plot which sits immediately adjacent to the A495.
- 2.2 To the northern, western and southern sides of the site there is residential development and on the opposite side of the road to the east there is the town hall, beyond which is the town centre.
- 2.3 The site is substantially elevated above the level of the passing road with the ground held back behind an existing stone retaining wall. The wall is a significant feature of the immediate area as it passes along the edge of the application site and neighbouring dwellings before turning the corner and heading along Brownlow Road.
- 2.4 The site does not fall within Ellesmere's Conservation area with the outer edge of it being on the opposite side of the road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In the view of Chair and Vice Chair of committee the items raised by the Town Council are material and warrant further consideration by the Planning Committee.

4.0 Community Representations

- 4.1 Town Council- objects to this application based on the following material planning objections:-

We have carefully reviewed the revised plans and application and we have assessed the potential impacts on the local community, our stance remains the same. We object to this application for the following material reasons:

Blocking of Light: The proposed development would significantly obstruct natural light to neighbouring properties. This obstruction not only affects the aesthetics of the area but also has potential adverse effects on the mental well-being of residents who rely on and enjoy natural light within their homes and property

Traffic - Reversing: The additional cars into this and the adjoining property mean that it is almost certain that cars will reverse onto Willow Street. The requirement for vehicles to reverse onto a main road poses a clear safety hazard for both drivers and pedestrians. This manoeuvre increases the risk of accidents and collisions, particularly during busy periods when traffic flow is high.

Traffic - Shared parking: The submitted indicative layout plan also shows that the driveway and parking arrangements for the proposed and existing dwellings would be unworkable as parked cars would obstruct the movements of other vehicles

Traffic - Parking: Visitors to either property will incline to park on the pavement.

Traffic - Congestion: Any additional traffic - especially building traffic will exacerbate existing traffic congestion issues. Willow Street is already prone to traffic bottlenecks during peak hours, and the proposed development would intensify this problem, leading to increased frustration and inconvenience for residents and commuters alike.

Context, situation and surroundings: The proposed development not only threatens the quality of life for current residents but also jeopardizes the unique character and charm of the surrounding area, which borders a conservation zone. Willow Street and its neighbouring environs boast a distinct architectural heritage and natural beauty that contribute to the cultural identity of our community. The introduction of a structure of such scale and design incongruity would disrupt the harmonious aesthetic that defines this locality, potentially setting a precedent for further unsuitable development. Preserving the integrity of our heritage and safeguarding the visual coherence of our environment should be paramount, particularly in areas adjacent to designated conservation zones.

Plot size, building height and density and design considerations:

I refer to recent decision for local planning application reference 23/05147/OUT. This plot is too small and too close to a main arterial road for significant development. The compact nature of the building plot exacerbates concerns regarding the proposed development's scale, relative height and proximity to the pavement. The limited space available means that the structure would be uncomfortably close to the pavement, raising issues of pedestrian safety and convenience. Furthermore, the close proximity of the development to the pavement will result in a sense of encroachment for passers-by, detracting from the overall enjoyment of the streetscape.

Consultee Comment

- 4.2 Drainage- no objection subject to conditions
- 4.3 Highways- No objection. The submitted drawing Site Plan Drawing No. Rev B dated 22.01.2024 has demonstrated an acceptable access, parking and turning arrangements to facilitate the development. The proposal raises no highway objection subject to conditions being included on any approval.
- 4.4 Conservation- This site is opposite the Ellesmere Conservation Area and

therefore consideration of this should impact on the significance of the CA by development within its setting as required by Section 16 of the NPPF, MD13 and if harm does arise great weight to the asset's conservation as is required by the application of Section 72 of PLB&CA Act 1990.

I note that a HIA has not been submitted however, given the form of development proposed you may not consider this necessary as any harm to the character and appearance of the CA will be negligible and could be mitigated for, especially on the elevations facing Brownlow Road and Willow Street by the introduction of heads and sills to ground floor windows (where other architectural detailing is not provided) and sills to first floor windows. In addition the dwelling should have appropriately located chimneys as per the local vernacular. Materials should also be sensitive to the setting of the CA.

In considering this application section 72 of the Planning (Listed Building & Conservation Area) Act 1990 is applicable which requires the proposal to preserve or enhances the character or appearance of the Conservation Area.

4.5 Ecology- Satisfied that this application can be dealt with using the Ecology Standing Advice.

4.6 Affordable Housing- national policy prevails and no affordable housing contribution would be required in this instance.

4.7 **Public Comments**

3 letters of objection received commenting on the following:

Conservation area and listed buildings nearby

Visual impact

Not in keeping

Impact on streetscene

Increased traffic

Impact on stone wall

Loss of light

Lack of parking

Larger than refused schemes

Loss of open aspect

Small amenity space next to busy road

Impact on planting on wall

5.0 **THE MAIN ISSUES**

- Policy and Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways

- Drainage
- Heritage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 Ellesmere is identified as a market town in the adopted SAMDev and as such is the focus for residential and commercial development. This site is located within the development boundary for Ellesmere and as such would be considered to be acceptable in principle as required by policies S8 and CS3 of the Shropshire LDF. Other issues relating to the development will be discussed further in this report.

6.2 Siting, scale and character

6.2.1 The information submitted with the application includes a Design and Access Statement, location plan, plans and elevations and streetscene elevations. During the course of the application, the applicant provided amended plans which reduced the footprint size of the dwelling, slight repositioning of the dwelling and revisions to its fenestration.

6.2.2 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. In addition, policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design

6.2.3 Unlike the previously refused applications, which were only seeking outline permission and included only indicative plans of the dwelling, this current application has been made in full. Therefore, the applicant has provided all of the plans needed to allow the planning authority to fully consider the proposed development and any impact it may have on the locality and neighbours.

- 6.2.4 The application site is on a corner plot with two clearly defined development lines to either side; one along Brownlow Road and the other along Willow Street. Both building lines are set back from the edge of the road. The submitted site plan shows that the front elevation of the dwelling would front onto Brownlow Road. The front elevation would be set in line with the defined building line of the dwellings on Brownlow Road although the angle of the dwelling is very slightly turned to align with the eastern boundary of the site. The proposed dwelling would have a front garden to the northern side, like other dwellings on Brownlow Road, and a rear garden to the south. Car parking would be provided to the south of the rear garden accessed by a driveway that is shared by the dwelling named Garth to the south.
- 6.2.5 It should be noted that the application site was formally part of the garden to Garth although unusually it extends out from the side elevation away from Garth. The land has for a number of years had the appearance on a largely unkempt piece of land with little use as Garth also has its own substantial rear garden to the west.
- 6.2.6 The side elevation of the proposed dwelling would face onto Willow Street and would be set back around 1.7m from the edge of the pavement. The side elevation will sit closer to the road than Garth which is set back around 6.4m. The building line along Willow Street is less defined than it is on Brownlow Road. If anything, Garth and its neighbour to the south are slight anomalies with most of the dwellings to the south being positioned hard on the edge of the road.
- 6.2.7 The proposed dwelling would contain 3 bedrooms and its scale, form and style is reflective of other dwellings in the immediate area, in particular those on Brownlow Road where there are dwellings with hipped or half-hipped roofs and bay windows.
- 6.2.8 As noted above the existing site sits elevated above the road by around 1.1m with the existing stone wall acting as a retaining wall. Both the existing dwellings of Garth and the adjacent dwelling on Brownlow road sit elevated above the level of the footpaths passing their frontages. To erect a dwelling on the currently elevated site, would in Officers view result in development that would be excessively dominant and overbearing on Willow Street. It is for this reason why the applicant has detailed that they would remove earth from the site to reduce it's level by around 0.6m. The effect of this would be to ensure that the proposed dwelling does not have an overbearing impact on Willow Street. The submitted plans show that the proposed dwelling would have a ground floor level that is lower than the adjacent dwelling on Brownlow Street. This would result in the proposed dwelling having an eaves height that is around 0.4m lower and a ridge height that is around 1.2m lower than the adjacent dwelling.
- 6.2.9 Officers acknowledge that at present there is an openness to the site which is

experienced by anyone travelling past the site and this would be disrupted by the erection of a dwelling. However, Officers consider that it is not a parcel of land that makes a particularly strong contribution to the streetscene other than the presence of the historic stone wall and this will be retained as part of the site's development.

- 6.2.10 It is considered that because of the reduction in the ground level of the site and the scale of the proposed dwelling that the dwelling would not appear excessively dominant or overbearing. Once the dwelling has been constructed it is considered that it would appropriately integrate into the prevailing streetscene subject to the use of appropriate materials and detailing of the windows and roof; both of which can be secured by condition along with precise details of the existing and proposed levels across all of the site and those of the existing neighbouring dwellings. Additionally, the applicant has detailed that new hedge planting will be provided to the frontage of the site and that a brick wall, and not timber fencing, will be erected to the southern boundary, the rear garden.

6.3 Impact on Residential Amenity

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 As noted above the applicant has sited the building so that it follows the alignment of the front elevations of the other dwellings on Brownlow Road. The neighbour to the west at no.28 has two windows in its side elevation which would face directly towards the west elevation of the proposed dwellings. It is understood that these windows provide light to a converted garage; which also has a large window in the front elevation and a window to a kitchen.
- 6.3.3 There would be a gap of 3m between the converted garage window and the side wall of the dwelling. As this is a secondary window it is considered that the room would continue to benefit from an adequate amount of natural light.
- 6.3.4 The second window is to a kitchen where there is a gap of 4m between the window and the wall of the proposed dwelling. To limit any loss of light to the neighbour the section of the proposed dwelling closest to the window would be single storey and have a flat roof. Taking into consideration the design of the proposed dwelling, the reduction in the site's levels and consideration of the orientation and position of the plot Officers are of the view that there would not be a detrimental loss of light to the neighbour whereby it would harmfully impact upon their living conditions.

6.4 Highways

- 6.4.1 The scheme proposes to create an access that would be shared with Garth, this would necessitate some loss of the existing boundary wall to facilitate the wider

opening. However, most of the wall, which is an important feature of the streetscene would be retained. The existing parking for Garth is to its side, as a result of the new dwelling this would be displaced to the front of that dwelling. The parking and turning area for the proposed dwelling would then be provided on an area of hardstanding at the southern extremity of the site.

6.4.2 It is considered that the applicant has adequately demonstrated that an appropriate amount of parking and turning space for both the existing and proposed dwellings is secured and no objection to the scheme is made by the Highways Officer.

6.5 Drainage

6.5.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

6.5.2 No objection has been raised to the proposed development by the Drainage Team subject to the inclusion of the recommended pre-commencement condition and the informatives.

6.5.3 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

6.6 Heritage Impact

6.6.1 As noted above the site does not sit within the town's Conservation Area although it is only a short distance from it. The nearest listed buildings are located to the east on Cross Street; 50 metres away and separated by the town hall, and on Willow Street which is around 43m away on the opposite side of the road. It is considered that given the distance of separation and intervening development the development of the dwelling proposed would not harm the character and appearance of the Conservation Area or the setting of the Listed Buildings.

7.0 CONCLUSION

7.1 It is considered by Officers that the proposed dwelling is in a sustainable edge of town centre location and is of an appropriate scale, design and siting which is considered to be in keeping with the character and appearance of the locality. The proposal would not have a detrimental impact upon the residential amenities of neighbouring occupiers and it would not cause any harm to the setting of listed buildings or impact upon the significance of the nearby conservation area. Additionally, the proposed means of access to the site and the provision of off street parking is considered to be acceptable. Officers consider that the proposal complies with policies CS3, CS6 and CS17 of the Core Strategy and MD1, MD2 and MD13 of SAMDev. The application is therefore recommended for approval subject to the conditions set out in appendix one.

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:

RELEVANT PLANNING HISTORY:

22/05059/OUT Outline application (all matters reserved) for the erection of one single detached dwelling including the widening of the existing vehicular access REFUSE 22nd December 2022
23/00444/OUT Outline application (all matters reserved) for the erection of one single storey dwelling including the widening of the existing of vehicular access REFUSE 24th March 2023
PREAPP/23/00832 Construction of a single detached dwelling PREAMD 24th November 2023

11. Additional Information

AGENDA ITEM

-	Proposed Dwelling North Of Garth
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View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S7VU6PTDN0G00>

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

-	Proposed Dwelling North Of Garth
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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 BEFORE THE DEVELOPMENT COMMENCES

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

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

4. No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority, to include a community communication protocol. The approved Statement shall be adhered to throughout the construction period.

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

5. No development approved by this permission shall commence until full details of existing and proposed finished floor levels and site levels along with levels of adjacent highways have been submitted to and approved by the local planning authority.

Reason: In the interest of maintaining the amenity value of the area.

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Proposed Dwelling North Of
Garth

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

6. All boundary treatments shall be carried out in accordance with the details shown on the submitted site plan Revision C. Details/ specification of the proposed hedge planting shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be completed/ planted in accordance with the approved details prior to first occupation of the dwelling.

Reason: In the interests of visual amenity.

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 windows or doors shall be installed on the development without details/ plans having been first submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance of the building and the area.

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

9. A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups) shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

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

10. A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

11. No construction works shall take place before 0730 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

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

12. The revised access apron with cut off drain along the highway boundary shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

13. The gradient of the access from the edge of the highway carriageway shall not exceed 1:24 for a distance of 2 metres and thereafter the gradient shall not exceed 1:10.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

14. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected across the highway boundary, the shared access shall remain open to the principal road.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

15. Prior to the dwelling hereby permitted being first occupied the revised shared access, parking and turning areas shall be satisfactorily completed, laid out and maintained in accordance with the Site Plan Drawing No. Rev C received 12th March 2024.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety

Informatives

1. The applicant's attention is drawn to the need to ensure that the provision of the visibility

splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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

Mud on highway

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

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

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

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

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AGENDA ITEM

-	Proposed Dwelling North Of Garth
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