

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

Date: Monday, 10 February 2025

**Committee: Northern Planning Committee**

**Date: Tuesday, 18 February 2025**

**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](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.

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

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

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:

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

Tim Collard Assistant Director – Legal and Governance

**Members of the Committee**

Joyce Barrow  
Garry Burchett  
Geoff Elner  
Julian Dean  
Roger Evans  
Pamela Moseley  
Nat Green  
Alex Wagner  
Vince Hunt (Vice Chairman)  
Paul Wynn (Chairman)

**Substitute Members of the Committee**

Roy Aldcroft  
Caroline Bagnall  
Andy Boddington  
Steve Charmley  
Mary Davies  
David Evans  
Julia Evans  
Nick Hignett  
Ed Potter  
Colin Taylor

Your Committee Officer is:

**Emily Marshall** Committee Officer

Tel: 01743 257717

Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive apologies for absence.

## 2 Minutes (Pages 1 - 4)

To confirm the Minutes of the meeting of the North Planning Committee held on 21<sup>st</sup> January 2025, attached, marked 2.

Contact: Ashley Kendrick on 01743 250893.

## 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 12.00 p.m. on Wednesday, 12<sup>th</sup> February 2025.

## 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 Off Walkmill Road, Walkmill Road, Market Drayton, Shropshire (24/01359/FUL) (Pages 5 - 32)

Erection of three detached bungalows including formation of single shared vehicular access, provision of new vehicular access to paddock and provision of 2 metre wide footpath

## 6 Meadowland, Sleaf, Harmer Hill, Shrewsbury, Shropshire, SY4 3HE (24/02735/EIA) (Pages 33 - 50)

Variation of conditions 2 (approved plans) and 9 (bird numbers) and removal of conditions 5 (scheme for air scrubbing on Unit 1) and 7 (installation of air scrubbers) attached to planning permission 22/02001/EIA

## 7 Riverside Mall, Pride Hill Centre, Pride Hill, Shrewsbury, Shropshire, SY1 1PH (24/04035/FUL) (Pages 51 - 76)

Construction of a new two way road, junction arrangements at Smithfield Road and Raven Meadows, re-located bus lay-by on Smithfield Road, landscape works, servicing arrangements and associated highway works

## 8 Laurel Cottage, 23 Church Lane, Ash Magna, Whitchurch, Shropshire (24/04696/FUL) (Pages 77 - 84)

Erection of two storey side extension

## 9 Appeals and Appeal Decisions (Pages 85 - 128)

## **10 Date of the Next Meeting**

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday, 18<sup>th</sup> March 2025, room to be confirmed.

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## Committee and Date

Northern Planning Committee

18<sup>th</sup> February 2025

## **NORTHERN PLANNING COMMITTEE**

### **Minutes of the meeting held on 21 January 2025**

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

**2.00 - 3.45 pm**

**Responsible Officer:** Emily Marshall

Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk) Tel: 01743 257717

### **Present**

Councillor Paul Wynn (Chairman), Joyce Barrow, Geoff Elner, Roger Evans, Pamela Moseley, Alex Wagner, Vince Hunt (Vice Chairman), Roy Aldcroft (Substitute) (substitute for Garry Burchett), Andy Boddington (Substitute) (substitute for Nat Green) and Julia Evans (Substitute) (substitute for Julian Dean)

### **52 Apologies for Absence**

Apologies for absence were received from Councillors Garry Burchett, Julian Dean and Nat Green

Councillor Roy Aldcroft substituted for Councillor Burchett  
Councillor Julia Evans substituted for Councillor Dean and  
Councillor Andy Boddington substituted for Councillor Green

### **53 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Northern Planning Committee held on 19 November 2024 be approved as a correct record and signed by the Chairman.

### **54 Public Question Time**

There were no public questions received.

### **55 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 regard to agenda items 6 and 7 Councillor Joyce Barrow declared that she was the local member and would withdraw from the table during discussion and voting on the applications.

With regard to agenda item 8 Councillor Alex Wagner declared that he was the local member and would withdraw from the table during discussion and voting on the application.

**56 Springfields, Rowton, Shrewsbury, Shropshire, SY5 9EJ (24/04206/FUL)**

The Planning Officer introduced the application which sought permission for the erection of a replacement dwelling following the demolition of the existing dwelling and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout.

Councillor Ed Potter, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

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

Members considered that the amendment made to the application to bring the total footprint within that allowed by the existing footprint and by permitted development rights was acceptable.

**RESOLVED:**

That contrary to the Officer recommendation planning permission be granted and delegated authority be given to officers to set conditions including a condition to remove permitted development rights

**57 Proposed Development Land Off Mile End Roundabout, Oswestry, Shropshire (24/04641/AMP)**

The Principal Planning Officer introduced the application which sought permission for Non material amendment to shorten the length of the road and to remove a number of vehicle access points from Road 1 to the proposed plots of the Oswestry Innovation Park relating to Planning Permission 21/01334/EIA and with reference to the drawings and photographs displayed, he drew Members' attention to the to the location and layout.

**RESOLVED**

That in accordance with the Officer recommendation Permission be granted due to the proposed amendment being considered non-material when having regard to the effect of the original permission

**58 Proposed Development Land Off Mile End Roundabout, Oswestry, Shropshire (24/04642/AMP)**

The Principal Planning Officer introduced the application which sought permission for Non-material amendment to change a number of vehicle access points from Road 2 and 3 to the proposed plots of the Oswestry Innovation Park, relating to Planning

Permission 23/04776/REM and with reference to the drawings and photographs displayed, he drew Members' attention to the to the location and layout.

## **RESOLVED**

That in accordance with the Officer recommendation Permission be granted due to the proposed amendment being considered non-material when having regard to the effect of the original permission

### **59 Welshpool Road, Bicton Heath, Shrewsbury, Shropshire (21/00924/EIA)**

The Consultant Planner introduced the application which sought permission for the North West Relief Road scheme. comprising - construction of 6.9km single carriageway (7.3m wide) road; severance of local roads and footpaths; provision of combined footway/cycleway; erection of three bridged structures over carriageway; diversion of existing bridleway/footpath via an underpass; 670m long viaduct; bridge over railway; two flood storage areas; provision of two new roundabout junctions and improvements to two existing roundabouts; associated traffic calming measures, landscaping and drainage schemes (Amended) to the drawings and photographs displayed, she drew Members' attention to the to the location and layout.

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

Councillor Nick Bardsley spoke in support the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Some Members expressed concern that the proposals were against council policy as they meant that the Council would not achieve its agreed target of net zero by 2030.

It was proposed and seconded that the application be referred to full council for determination. On taking a vote this was not supported.

## **RESOLVED:**

That Authority be delegated to the Planning and Development Services Manager to grant planning permission subject to amended wording of condition 41 and the final wording of conditions 8, 30, 44 and 58 and subject to signed S106 obligations from the relevant landowners to deliver off site mitigation and the compensation strategy as laid out in the report below and appendices and to make non-material amendments to the final wording of conditions before the issue of permission

### **60 Appeals and Appeal Decisions**

**RESOLVED:**

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

**61 Date of the Next Meeting**

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on 18 February 2025

Signed ..... (Chairman)

Date: .....





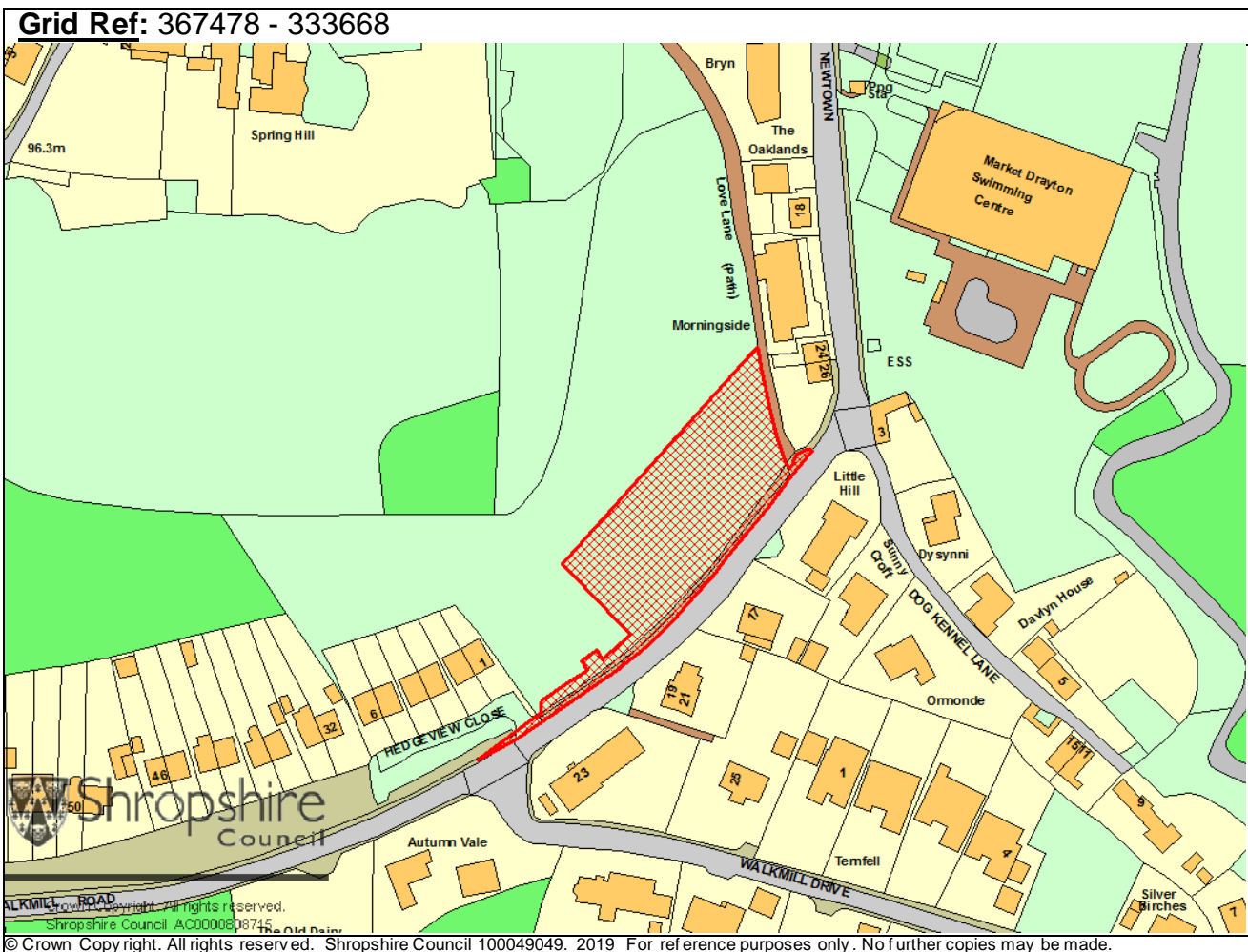
Committee and date  
**North Planning Committee**  
 18<sup>th</sup> February 2025

## Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

### Summary of Application

<b><u>Application Number:</u></b> 24/01359/FUL	<b><u>Parish:</u></b>	Market Drayton
<b><u>Proposal:</u></b> Erection of three detached bungalows including formation of single shared vehicular access, provision of new vehicular access to paddock and provision of 2 metre wide footpath		
<b><u>Site Address:</u></b> Land Off Walkmill Road, Walkmill Road, Market Drayton, Shropshire		
<b><u>Applicant:</u></b> Amos Investments Ltd		
<b><u>Case Officer:</u></b> Richard Denison	<b><u>Email:</u></b> richard.denison@shropshire.gov.uk	



**Recommendation:** Grant permission subject to the satisfactory completion of a Section 106 agreement to secure the Biodiversity Net Gain for 30 years, and conditions set out in Appendix 1.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application relates to the erection of three detached bungalows on part of a paddock along Walkmill Road in Market Drayton. Each of the bungalows will incorporate a central hallway providing access to an open plan kitchen/dining room with separate utility room, a lounge, three bedrooms (one with en-suite shower room) and a bathroom.
- 1.2 A new vehicular access will serve the three bungalows with a small shared private driveway and a single garage and two car parking spaces for each property. An existing field access will be relocated slightly further to the south west to provide access into the paddock.
- 1.3 The roadside hedgerow will be removed to allow the provision of a 2 metre wide footpath. A new native hedgerow and trees will be planted along the roadside and surrounding the bungalows. Additional hedgerow and tree planting will be provided to the north of the site in the applicants ownership to improve ecological biodiversity.
- 1.4 This application has been accompanied by the following supporting information:
- Planning Statement
  - Design and Access Statement
  - Drainage and Flood Risk Statement
  - Proposed Drainage and Highway Layout Plan
  - Preliminary Ecological Appraisal & Biodiversity Net Gain
  - Heritage Impact Assessment
  - Arboricultural Report Tree and Hedgerow Protection Plan
  - Zones of Theoretical Visibility
  - Street Scene, Cross Section and Landscape Plans
- 1.5 This application has not been subject to any pre-application enquiry.

### Amendments

- 1.6 The application has been subject to amendments as follows:
- The finished floor levels of the bungalows have been lowered by between 1.00 metre and 1.85 metres resulting in the eaves and ridge lines also lowered by these amounts.
  - In addition, the roof pitches have also been reduced from 45 degrees to 35 degrees resulting in the ridge lines being further reduced to between 1.47 metres and 2.32 metres.

- Amended plans have been received to indicate the changes in scale to each of the bungalows, together with revised Street Scene and Proposed Cross Sectional plans.
- The Landscape Plan has been amended to provide additional hedge planting around the garden boundaries and provision of strategic tree planting along the site frontage.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 The proposed site fronts onto Walkmill Road and is roughly rectangular in shape measuring approximately 0.248 hectares. The land to the north rises up and forms part of a larger paddock and properties positioned on The Mount. To the east of the site lies Love Lane a pedestrian route into the town centre and beyond this are a number of residential properties. To the south lies the frontage onto Walkmill Road which is formed by a mature high hedge and a narrow footpath between 0.8 metres and 0.95 metres wide. A number of detached residential properties are located on the opposite side of the road. To the south-west are six new semi-detached houses fronting Walkmill Road and to the west is the wider area of paddock and the property Spring Hill. The proposed site falls within the Market Drayton Conservation Area.

## **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 A formal request from the local ward member Cllr Ian Nellins was received within 21 days from the validation of the application requesting that this application be considered at the Northern Planning Committee.
- 3.2 Cllr Ian Nellins has provided a material planning objection to the application regarding the proposed development and impact on the Market Drayton Conservation area. Any further development in this area would be overly dominant and would result in the loss of an important open space which contributes towards the unique character, appearance and setting of the Market Drayton Conservation area. The proposed dwellings are out of character with the Conservation area, whilst the development will result in the loss of biodiversity and habitat in the heart of Market Drayton.

## **4.0 COMMUNITY REPRESENTATIONS**

### **4.1 Consultee Comments**

- 4.1.1 **Shropshire Council, Highways** - No objection subject to safeguarding condition regarding Construction Method Statement; visibility splays; access, parking and turning; access apron construction; and provision of 2 metre wide footway.
- 4.1.2 **Shropshire Council, Trees** - The Arboricultural Report and Tree and Hedgerow Protection Plan indicates that the arboreal impact of the scheme is low - mainly affecting 3 hedges on site for which detailed management has been recommended including the translocation of one section to provide a 2 metres footpath. In the report at Summary of Site and Key points it states that a Tree and Hedgerow Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved

and maintained thereafter. No objection is raised subject to conditions regarding tree and hedgerow protection and monitoring of tree protection.

- 4.1.3 **Shropshire Council, Housing** - If this site is a continuation of the development already permitted under 22/04151/FUL then an affordable housing proforma should be submitted so the affordable housing contribution can be calculated and agreed. A scheme of 9 dwellings in this area is required to provide a financial contribution.
- 4.1.4 **Shropshire Council, Ecology** - A Biodiversity Net Gain 25.54% habitat units and 54.79% hedgerow units will be provided through a mixture of on-site and off-site (within the blue-line boundary) interventions. Because the BNG is considered to be significant, a s106 will be required to secure the BNG for 30 years. The level of survey work and proposed ecological enhancements are acceptable subject to safeguarding a condition regarding Construction Environmental Management Plan and informative regarding protection of wildlife.
- 4.1.5 **Shropshire Council, Drainage** - The proposed drainage strategy is acceptable in principle and no objection is raised subject to a safeguarding condition regarding a scheme of surface and foul water drainage being agreed prior to any development taking place.
- 4.1.6 **Shropshire Council, Rights of Way** - Footpath 23 runs along Love Lane, alongside the development area. Although not directly affected by the development of the new property please ensure that this footpath is taken into consideration at all times during development.
- 4.1.7 **Shropshire Council, Conservation** - A Zones of Theoretical Visibility has been submitted to provide an evidence base to address the concerns raised that there was insufficient assessment made with regard to potential impacts on Grade II\* listed Pell Wall Hall. From a review of this information Officers would advise that whilst it appears that there would be no intervisibility between Pell Wall and the proposed dwellings, this is from a fixed point and therefore would suggest that any harm to the significance of the Pell Wall from other areas of the building or grounds would be at the lower end of less than substantial.

A supplementary Historic Impact Assessment has also been submitted which further covers the other concerns raised in Historic Environment Team comments made previously. Officers do not contest their assessment and conclusions therein with regard to concerns raised previously. It is suggested that should the application be considered supportable by Development Management Team that appropriate conditions are attached (see below) to ensure the quality of the development, landscaping etc does provide the enhancement required by local and national policies, retained and maintained in the future.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is applicable in considering this application where special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area and in addition Section 66(1) of the above Act is engaged, where the Act requires the need to pay special regard to the preservation of listed buildings and their settings. It should be noted, as documented above, that the level of harm is considered to be at the low end of less than substantial and this

should be noted when decision takers are weighing public benefits of the scheme against the identified harm, as required by the NPPF and MD13 of SAMDev.

Suggested conditions should include all building materials (notwithstanding the notes included on the submitted drawings) - (samples and sample panel of brickwork for buildings required), Roof details (JJ7), Heads and sills (JJ9), Windows and doors (JJ20), boundary treatments and landscaping.

- 4.1.8 **Shropshire Council, Archaeology** - The current application follows a previous application (23/04625/FUL) that was withdrawn in December 2023. It is noted that a Heritage Statement by Hampton Heritage Design & Consultancy was prepared in October 2023 for the previous application. Based on the assessment and information on known heritage assets recorded on the HER available at the time, Council Archaeology Team did not comment on the previous application.

In January 2024, the Shropshire Historic Environment Record (HER) was updated with a possible extent of the Roman Road that linked Chesterton to Wroxeter (HER PRN 36498). The possible route of the road was recorded by the Ordnance Survey, but survival and the precise route has not been substantiated by archaeological investigations.

The proposed development comprises the erection of three detached bungalows in an area that is smaller than the area of the previous application. The western-most bungalow extends further to the west, possibly across the Roman Road.

Therefore, the proposed development site is nearby and/or adjacent to a possible Roman Road (HER PRN 36498) and the historic street system of Market Drayton (HER PRN 05695). The site is considered to have low archaeological potential.

It is understood that the Conservation Officer will provide comments on this application, and their advice should be followed in full.

Given the above, and in relation to Policy MD13 of the Local Plan and Paragraphs 211 of the NPPF (December 2023), it is advised that a programme of archaeological work is made a condition of any planning permission for the proposed development. This should comprise an archaeological watching brief maintained during groundworks for the detached bungalows and associated services.

- 4.1.9 **Shropshire Council, Landscape Consultant** - We note that the scheme is for three bungalows with garages located on land off Walkmill Road. Given the settlement context of the proposed development and the single storey design of the proposed dwellings we consider that notable longer-distance visual effects are unlikely to result from the proposed development. A well-used public right of way (Love Lane) passes alongside the eastern boundary of the site, but the intervening hedge is to be retained and visual effects on users of this route resulting from the proposed scheme are likely to be limited

The scheme includes the loss of the boundary hedgerow with Walkmill Road to allow for a visibility splay and the widening of the existing roadside footway. The widening of the footway is likely to be of benefit to pedestrians, but the loss of hedge is likely to result in adverse landscape and visual effects in the short-term.

However, the proposed native boundary hedge identified in the landscape plan (FCA-015-S2-04) is likely to effectively mitigate this loss in the medium to long term. We consider successful establishment of this hedge and its maintenance to a suitable density and height to be of particular importance in landscape and visual terms.

We note that the site is steeply sloping, and it would be helpful to see a series of sections passing through each dwelling to show the existing road, widened footway, new boundary hedge, rear garden retaining walls and rear garden boundaries, in the context of existing levels. These sections should include appropriately designed planting areas to allow the proposed Walkmill Road hedge to establish successfully.

The landscape plan (FCA-015-S2-04) also includes an additional native species hedge alongside an existing fence line, resulting in a net gain of this landscape resource that is characteristic of the local area. However, we consider it a missed opportunity that native hedging is not included to the long north-western boundary and shorter south-western boundaries of the application site.

Considering the above, we recommended that prior to determination:

1. A section be provided through each dwelling to show to show the existing road, widened footway, new hedge, rear garden retaining walls and rear garden boundaries, in the context of existing levels.
2. Additional native hedge planting to the north-western and south-western boundaries of the application site be included within the proposals.
3. A pre-commencement condition with the suggested wording be applied to the grant of any application: No development shall take place until a detailed hard and soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

Plant species, sizes, numbers and densities, method of cultivation and planting, means of protection and programme for implementation. This is for all grassed areas, tree, shrub, and hedgerow planting.

Details of all boundary structures, including materials

4. A pre-commencement condition with the suggested wording be applied to the grant of any application: No development shall take place until a schedule of landscape maintenance for hedges, trees and verges for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. A minimum height and width for the maintenance of hedges shall be included. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective. The replacement shall be another plant of the

same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

4.1.10 **Shropshire Council, Historic England** - Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

4.1.11 **Gardens Trust and Shropshire Parks & Gardens Trust** - This is a joint response on behalf of both the Gardens Trust, which is a Statutory Consultee in matters relating to proposed developments likely to affect historic parks and gardens on the National Heritage List, and the Shropshire Parks and Gardens Trust.

#### Location of the proposed development

The area of land in question above, lies immediately to the south and east of Spring Hill, which is an early-19<sup>th</sup> century villa development of some architectural merit, which therefore qualifies as a non-designated Heritage Asset.

#### Likely visibility and impact on Pell Wall House, Pell Wall Park and other associated Heritage Assets

The proposed development area lies within lands formerly part of the Pell Wall estate, which are still visible from the Grade II\* Listed Pell Wall house, as well as from its encircling Grade II Registered Pell Wall Park. Pell Wall house was built in 1822-8 by the eminent architect Sir John Soane (1753-1837) and is illustrated in a fine series of watercolours produced in 1828. It was carefully orientated to take full advantage of the superb views across the parkland towards Market Drayton and this intention is confirmed by the extensive ha-ha (a sunken ditch and wall, designed to allow views while itself remaining invisible) on its northern side.

Also, as outlined and described previously by Mr. Gareth Williams in his response to the previous application for this site, (23/04625/FUL), the north facing elevation to Pell Wall House was specifically furnished with a full-height projecting bay containing windows that still provide extensive views across Pell Wall park towards Market Drayton.

Levels indicated in the '*Proposed Site Plan*' also suggest that the roofs of all three proposed buildings will similarly be visible above the tree line at the bottom of the valley.

In addition to the above negative impact upon Pell Wall house and Park, another five Listed buildings are also contained within the designed landscape and add considerably to the heritage status of this property:

- North Lodge (1293767, Grade II\*);
- Summerhouse (1055324, Grade II);
- The Court House (1366843, Grade II );
- Stables (1366844, Grade II);

- Old Lodge (1190616, Grade II).

#### Visual and physical impacts upon the fabric of the Market Drayton Conservation Area

The whole of the proposed development lies within the Market Drayton Conservation Area and will detract visually from it, as well as causing actual physical damage to and loss of that part of the area within which it will be situated. We have previously commented on the important role of the Conservation Area in this location, in maintaining a clear separation between the historic core of Market Drayton and those suburban areas to the south beyond Walkmill Road, which the proposed development would substantially reduce.

#### Visual and physical impacts upon the fabric of the proposed development site itself, as well as on adjacent areas

An earlier development to the west of the site shows a disastrous attempt at 'translocation' of what may have been a later-18<sup>th</sup> or early-19<sup>th</sup> century hedge line are clearly visible.

#### Likely harm caused by the proposed development to Pell Wall House and other associated designated Heritage Assets

It is disappointing that the applicant has failed to submit an appropriate assessment of the likely impacts of the proposed development on the many designated and non-designated heritage assets surrounding its location, as required by the National Planning Policy Framework (NPPF 2023, para.200 *et seq.*) and notwithstanding statements to the contrary included at Paragraphs 3.13 & 3.14 of the applicant's *Planning Statement*. In the absence of such an analysis, we present our own assessment of these likely impacts.

Overall, we consider that, in consequence of the location and rising nature of the ground on which the proposed development is intended to be sited, it will be clearly visible from Pell Wall House, and would therefore cause harm to the Setting of the Grade II\* Pell Wall House as well as to the Setting of the Grade II\* Listed North Lodge, the Grade II Registered Pell Wall Park and to a lesser extent of the other Grade II Listed Heritage Assets within this historic villa development, as outlined above.

Related to the above and as referenced previously, on October 26<sup>th</sup> 2023, the Levelling Up and Regeneration Act received Royal Assent. In part, this strengthens the protection for Registered Parks and Gardens and World Heritage Sites amongst others, giving them **the same level of planning protection as Listed Buildings and Conservation Areas.**

Chapter 3 (Heritage), Para 102, 58B (1) states:

*'In considering whether to grant planning permission or permission in principle for the development of land in England which affects a relevant asset of its setting, the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the asset or its setting.'*



It continues in Para 102, 58B (2):

*'For the purposes of subsection (1), preserving or enhancing a relevant asset or its setting includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset.'*

We have stated above also that the proposed development will similarly cause actual physical damage to and loss of that part of the Market Drayton Conservation Area within which it will be situated, as well as compromising and diminishing the Conservation Area's key role in providing a setting for the historic core of Market Drayton when viewed from the south and in particular for the Grade II\* Listed Church of St. Mary and the Grade II Listed Old Vicarage to the south.

Taking into account the suburban character of the proposed dwellings, we consider also that this development will similarly lessen the present (and intended) role and effect of this part of the Conservation Area in maintaining a clear physical and visual separation between the historic core of Market Drayton, with its more than 50 Listed Buildings and other structures, and those suburban areas to the south beyond Walkmill Road.

We similarly consider that the proposed development would cause considerable harm to the immediate setting of the non-designated early-19<sup>th</sup> century villa known as *Spring Hill* which lies to the north and west of the proposed development area, and to the non-designated villa known as *The Mount* situated to the north of the proposed development area.

For these reasons we **strongly object** to the proposed development.

4.1.12 **MOD Defence Infrastructure Organisation** - The proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset. The MOD has no objection to the development proposed.

4.1.13 **Market Drayton Town Council** - To object to this planning application on the basis it will have an effect on listed buildings and conservation area.

## 4.2 **Public Comments**

4.2.1 31 letters of objection have been received raising the following concerns:

- Proposed excavation works will undermine stability of the land.
- Loss of hedgerow and impact on wildlife.
- Impact on Conservation Area and heritage assets.
- Market Drayton housing targets have already been met.
- Accesses are on inside of blind bend and will cause highway safety concerns.
- Loss of green space.
- Impact on the setting of Pell Wall Hall a grade II\* listed building.
- Damage from construction vehicles to neighbouring properties.
- No space for site construction vehicles.
- Impact from removal of excavated ground.

- Insufficient local infrastructure for additional dwellings.

4.2.2 A standard objection letter raising the following concerns has been individually submitted and signed by 60 local residents:

- The development will not preserve or enhance the character and appearance of the Conservation Area.
- Loss of a historic hedge and impact on habitat value and important wildlife corridor.
- Impact on St Marys Church when entering Market Drayton and last remaining open space pastureland within town centre.
- Proposed development will impact on land stability.
- Housing requirement has been met with no requirement to build further houses.
- Fourth application on the site with previous two application be refused and the most recent one being withdrawn.

4.2.3 A letter of objection has been received from Winterburn Heritage & Planning consultants on behalf of the owner of Pell Wall Hall a grade II\* listed building and the associated Park which is Registered Grade II and covers 60ha. The principle objection is due to the proximity, poor design and position within a designed view from the Hall which will have negative impact on the designated heritage asset. It is considered that the Application Scheme will cause 'less than substantial harm' to the significance of Pell Wall Hall Park as a designated Grade II Registered heritage asset. By extension, and because it forms part of their settings, it will also cause less than substantial harm to the Grade II\* Listed Building of Pell Well Hall, as well as Market Drayton Conservation Area. This triggers the requirements of Paragraphs 205 - 208 for a demonstration of Public Benefits to mitigate the scheme. As there is no shortfall in the Council's Five Year Housing Land Supply, there is no identified need for such residential units, and much of the other stated benefits would be partial and/or unenforceable. The application cannot thereby demonstrate any tangible 'Public Benefits' that would clearly outweigh the negative impact of the proposed works.

4.2.4 3 letters of support have been received indicating that the proposed bungalows will benefit the needs of the elderly and disabled in the community.

## 5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Layout, Scale and Appearance
- Impact on Conservation Area & Heritage Assets
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Biodiversity Net Gain
- Drainage & Flooding
- Affordable Housing
- Other Matters

## **6.0 OFFICER APPRAISAL**

### **6.1 Background**

6.1.1 A previous application for the erection of six bungalows with associated access onto Walkmill Road, parking, garden areas and landscaping was withdrawn in December 2023. This development indicated the bungalows running along Walkmill Road and Love Lane along the eastern edge of the paddock. During the consideration of the application officers considered that the bungalows on the upper portion of the land were too prominent and would impact on long range views towards the site (including views from Pell Wall Hall) and the Conservation Area.

6.1.2 This revised application removes three plots which were positioned on the higher ground and proposes only three bungalows on the lowest portion of the site fronting Walkmill Road. This ensures that the bungalows sit low in the street scene and have no impact on the long range views into the site and/or the Conservation Area.

### **6.2 Policy & Principle of Development**

6.2.1 Policies CS1 and CS3 of the Core Strategy set out the strategic approach to housing provision. It is envisaged that Market Towns and Other Key Centres will maintain and enhance their roles in providing facilities and services to their rural hinterland, balancing housing, and employment development, of an appropriate scale and design that respects each town distinctive character and is supported by improvements in infrastructure within the towns development boundaries and on site allocated for development. Policies CS1 and CS3 are consistent with the objectives of the NPPF to focus new development in sustainable locations.

6.2.2 Market Drayton within the adopted plan is a Principal Centre with an identified development boundary. SAMDev Settlement policy S11.1 sets out the expectations for Market Drayton which is a focus for development in the north eastern part of the county with a housing guideline of around 1,200 dwellings within the plan period (2006 to 2026). New housing development will be delivered through the allocation of greenfield sites together with a windfall allowance which reflects opportunities within the town's development boundary.

6.2.3 The revised NPPF in December 2024 provides a new standard method for calculating housing need, the purpose of which is to significantly boost housing delivery across England. The new standard methodology for Shropshire has resulted in an increased requirement of 1,994 dwellings per annum, whereas the adopted Local Plan sets out a requirement for 1,375 dwellings per annum (above the local housing need of 1,070 dwellings).

6.2.4 The Councils latest 'Five Year Housing Land Supply Statement' (published March 2024) assessed deliverable housing sites against the adopted housing land supply requirement, this concluded in a demonstration of sufficient deliverable dwellings for 5.91 years supply. However, in light of the recent changes to the standard methodology and the uplift in local housing need for Shropshire, the Council considers that on balance, it is unable to demonstrate a five years supply

of deliverable dwellings and the adopted Local Plan policies concerning the delivery of housing development are currently out-of-date. The effect of this is that the tilted balance, as set out in paragraph 11 d) of the NPPF, is engaged which directs development to sustainable locations and making effective use of land.

- 6.2.5 Paragraph 73 of the NPPF supports the development of windfall sites which can make an important contribution to meeting the housing requirement of an area and gives great weight to the benefits of using suitable sites within existing settlements.
- 6.2.6 The proposed site is roughly rectangular in shape and located linear to Walkmill Road with roadside residential development to the east, south, and west. The site falls wholly within the development boundary for Market Drayton and does not have any specific planning policy allocation and would therefore represent a windfall site. The site has direct pedestrian access into the town centre along Love Lane to local services and is considered a highly sustainable location. The proposed site is located within the Market Drayton Conservation Area.
- 6.2.7 The principle for residential development would be supported with the key issues being the layout, scale and appearance of the development; the impact on the Conservation Area and heritage assets; and impact on residential amenity, highways, ecology and trees.

### 6.3 **Layout, Scale and Appearance**

- 6.3.1 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. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.
- 6.3.2 The proposed site covers an area of 0.248 hectares which provides a site density of 12 dwellings per hectares. This level of density is very low for an urban location which is very close to the built up centre of the town. However, the proposed site is located directly opposite three wide frontage properties (two of which are bungalows) within spacious plots. A three bedroom bungalow has a larger footprint than a 2 storey dwelling and therefore a scheme wholly of bungalows would have a lower density. The proposed scheme incorporating a lower density development is more in character with the adjacent properties and is supported by officers.
- 6.3.3 Dwellings within the vicinity of the site towards The Mount to the north, Newton to the east and Walkmill Road to the south west are predominately 2 storey dwellings, whilst the properties directly to the south are predominantly bungalows. Given the topography and the location of the site access, the site is more closely associated with the properties along Walkmill Road which are predominantly bungalows. The bungalows are set back from the edge of the road and amended plans have been received to reduce the overall ridge height and mass of the roof. This has resulted in the bungalows siting lower in the landscape in order to minimise any visual impact upon the wider area of the Conservation Area.

- 6.3.4 The development is built on the lower flat southern part of the site with the provision of a single vehicular access to serve the bungalows and will allow the provision of a replacement hedgerow and additional landscaping surrounding the site.
- 6.3.5 Plots 1 and 2 will have a similar layout albeit handed and provide 128sqm of floor area and 126sqm of floor area respectively. Plot 3 will have a slightly different footprint and be 136.8sqm. However, all three bungalows will be constructed from a red brick with a natural slate roof incorporating recessed black solar panels. The entrance door will be positioned in a central position, whilst window openings will have a vertical emphasis with sandstone cills and arched soldier detail above. The bungalows will include a small chimney stack and incorporate front and rear projecting gables and pitched details above some windows and the entrance doors.
- 6.3.6 Officers consider that the proposed bungalows will retain the character and setting of the adjacent development incorporating similar features to the existing house types.
- 6.3.7 Each bungalow will be provided with a large level rear patio area with Plots 1 and 2 having a rear terraced gardens which will match the six dwellings approved under application 22/04151/FUL to the west of the site, whilst Plot 3 will have a sloping rear garden. Adequate space will be provided for the storage of waste and recycling bins within the rear garden with the provision of a small surfaced area adjacent to the site access for bin collections directly off Walkmill Road.
- 6.3.8 The proposed layout, design and scale of the bungalows would be acceptable within this area and would not impact on the character of existing properties or local area.
- 6.3.9 A number of conditions are proposed to control the appearance of the bungalows so that they are visually in keeping with adjoining built development which include external materials; roof details; walling details of heads and sills; and window/door details.

#### 6.4 **Impact on Conservation Area & Heritage Assets**

- 6.4.1 The proposed site falls within the Market Drayton Conservation Area which is classified as a designated heritage asset. The site is positioned at the southernmost edge of the Conservation Area and consists of part of a grassed paddock which rises up northwards towards the more built up area of the town centre.
- 6.4.2 Objections have been received regarding the impact on the Conservation Area and the impact on heritage assets and notable the setting of Pell Wall Hall a grade II\* listed building and its associated registered Park & Garden. Pell Wall Hall is located approximately 685 metres away to the south east and separated by existing dwellings, mature trees, and part of the registered Park.

- 6.4.3 Local Plan Policy CS17 'Environmental Networks' of the Core Strategy indicates that development should protect and enhance the local character of the built and historic environment. Whilst Policy MD13 'The Historic Environment' of the SAMDev Plan indicates that proposals wherever possible avoid harm or loss of significance to heritage assets including their settings and where development proposals can be justified in terms of public benefits these should outweigh any harm to the historic environment.
- 6.4.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is applicable in considering this application against where special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and in addition Section 66(1) of the above Act is engaged, where the Act requires the need to pay special regard to the preservation of listed buildings and their settings.
- 6.4.5 Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.4.6 The application has been accompanied by a Heritage Impact Assessment (March 2024) which covers issues of heritage including the Conservation Area and impacts upon nearby heritage assets. A Supplementary Heritage Impact Assessment (October 2024) has also been submitted to address concerns raised regarding the impact on Pell Wall Hall; loss of hedgerow screening; lack of variation of architectural detail and heavy excavation including bank retention; and the cumulative impact in association with the six dwellings approved under application 22/04151/FUL.
- 6.4.7 A Zones of Theoretical Visibility has been submitted to provide an evidence base to consider the concerns raised regarding the potential impact on the grade II\* listed Pell Wall Hall. From a review of this information officers would advise that whilst it appears that there would be no intervisibility between Pell Wall Hall and the proposed bungalows due to the existing intervening trees and built environment, this is from a fixed point (the Ladies' Morning Room) and therefore would suggest that any harm to the significance of the Pell Wall Hall from other areas of the building or grounds would be at the lower end of less than substantial.
- 6.4.8 It is considered that there would be a very low adverse effect from removal of the hedgerow along Walkmill Road, but as this would be temporary and only effect a very small part of the Conservation Area, it would result in a negligible impact on the heritage significance, and would score at the lowest end of the spectrum for less than substantial harm in terms of the NPPF.
- 6.4.9 Further details have been provided on the architectural design and on the excavation to terrace the rear gardens of the bungalows into the hillside, showing

that the design helps reduce the potential prominence of the buildings whilst delivering an excavated area that would blend into the general field background.

6.4.10 The Supplementary Heritage Impact Assessment indicates there would be no cumulative impact on the Conservation Area from the recently constructed housing on the north side of Walkmill Road in combination with the proposed bungalows.

6.4.11 The Council Conservation Officer has indicated that the level of harm as a result of the development on the heritage assets is considered to be at the low end of less than substantial. As indicated in the NPPF and policy MD13 of the SAMDev Plan the proposed harm has to be weighed up against the public benefits of the proposed scheme.

6.4.12 The proposed development provides a number of public benefits as follows:

- **Housing Supply:** Part 5 of the NPPF sets out the Government's objective of significantly boosting the supply of homes and that the needs of groups with specific housing requirements are addressed. It is clear that the Council's housing land supply position has changed dramatically in light of the new housing targets and this proposed development will assist in the supply of additional housing in Shropshire.
- **Provision of 2 metre Wide Footpath:** The existing footpath along the northern side of Walkmill Road is less than a metre wide and is hazardous especially when passing other pedestrians as one or other needs to step onto the carriageway to pass. This danger becomes more pronounced with pushchair and wheelchair users and with the significant number of children who use this route to and from School. The provision of a 2 metre wide footpath along the road frontage is a significant improvement for pedestrian safety in the local area and a significant planning gain.
- **Property Type Demand for Bungalows:** Bungalows have been a very under-represented house type on new residential developments in Market Drayton and having regard to the close proximity to the town centre and local services this scheme meets a very pronounced demand in the local area.
- **Biodiversity Net Gain:** The land on the upper parts of the paddock (around 0.65 hectares) are put forward for a significant increase in Biodiversity Net Gain which will benefit the ecology and visual enhance the amenity value of this area of the Conservation Area.

6.4.13 In conclusion officers consider that the level of harm the bungalows would cause is less than substantial harm and the public benefits will outweigh the low end of the less than substantial harm on the Conservation Area and heritage assets.

#### Archaeology

6.4.14 The Council Archaeological Officer has indicated that the Shropshire Historic Environment Record was updated in January 2024 with a possible extent of the

Roman Road that linked Chesterton to Wroxeter. The possible route of the road was recorded by the Ordnance Survey, but survival and the precise route has not been substantiated by archaeological investigations. However, there is a possibility that Plot 1 may be positioned across or close to the line of the Roman Road and nearby to the historic street system of Market Drayton. Although the Council Archaeological Officer has indicated that the site is considered to have low archaeological potential it has been advised that a safeguarding condition is proposed to provide a programme of archaeological work which would comprise an archaeological watching brief during groundworks so that any archaeological remains can be recorded.

## **6.5 Impact on Residential Amenity**

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.5.2 The proposed bungalows will have a front elevation facing towards Walkmill Road and the three properties directly opposite. Cross sectional views have been submitted with the application indicating the Plot 1 would be 991mm taller than No.19 Walkmill Road and separated by 27 metres, Plot 2 would be 996mm taller than No.17 Walkmill Road and separated by 26 metres, and Plot 3 would be 1,1281mm taller than No.15 Walkmill Road and separated by 27 metres. The side elevation of Plot 3 would be positioned 20 metres from No.26 Newtown which is screened by mature hedgerow along the eastern boundary of the site and is being retained.
- 6.5.3 Having regard to the layout and distance away from neighbouring properties the proposed three bungalows will not result in any significant detrimental impact from overlooking or loss of privacy, cause an overbearing impact, or result in loss of light.
- 6.5.4 The proposed additional traffic movements from three bungalows will not result in any significant impact from noise or disturbance.

## **6.6 Highways**

- 6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all.
- 6.6.2 The existing paddock is served by a dropped kerb and an entrance gate slightly set back from Walkmill Road, whilst a narrow footpath runs along the roadside with a mature hedgerow. The proposed development will result in the existing roadside hedgerow being removed and set back to allow an increase in the width of the existing pavement to 2 metres. This will be provided across the entire site frontage and link into the existing footpath which was widened under application 22/04151/FUL for the six dwellings to the west of the site. This will provide a significant public/pedestrian benefit to the scheme allow a safe pedestrian link into the town centre. The existing field access will be relocated further along Walkmill Road to the south west, whilst a new vehicular access to serve the three bungalows will be located to the north east.



- 6.6.3 The new field access will have entrance gates set back 10 metres from the carriageway, whilst the new access for the bungalows will have an entrance width of 4.5 metres to allow two vehicles to pass and will be constructed in accordance with the Council Highways specification. The visibility splays of both accesses will be 2.4 metres x 43 metres in both a northerly and southerly direction.
- 6.6.4 The proposed private driveway and parking areas serving the bungalows will be constructed from permeable paving. Each bungalow will have a single garage and two tandem parking spaces, together with electric car charging points and suitable manoeuvring space to allow vehicles to leave the site onto Walkmill Road in a forward gear.
- 6.6.5 The Council Highways Officer has indicated that the principle for the accesses, visibility splays, parking and turning arrangements is acceptable and will not have a detrimental impact on highway safety. No objection is raised subject to safeguarding conditions regarding Construction Method Statement; visibility splays; access, parking and turning; access apron construction; and provision of a 2 metre wide footway.

## 6.7 **Impact on Trees**

- 6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment.
- 6.7.2 An Arboricultural Report and Tree & Hedgerow Protection Plan has been submitted with the application and has indicated that the existing hedgerow along the southern and eastern boundary of the site is in general good health. It is indicated that the retention and protection of the existing hedge is recommended which will provide visual amenity and provide opportunities for wildlife.
- 6.7.3 However, the proposed development will result in the removal of the hedgerow along the southern boundary to facilitate an improved two metre wide footpath and visibility for the accesses. A new native boundary hedgerow with three trees will be planted alongside the edge of the footpath, together with additional hedgerow planting along the south western and northern boundary of the bungalows. Although there will be some initial loss of visual amenity due to the removal of the hedgerow in time the replanted hedgerow will mature and provide improved amenity value and increased opportunities for wildlife.
- 6.7.4 The Council Tree Officer has assessed the application and implications of the removal of the hedgerow and has raised no objection subject to safeguarding conditions regarding a Tree and Hedgerow Protection Plan and Tree Protection Monitoring. The application has been accompanied by a Landscape Plan which will be conditioned to ensure the hedgerows and trees will be provided.

## 6.8 **Ecology**

- 6.8.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and

enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors.

- 6.8.2 A Preliminary Ecological Appraisal & Biodiversity Net Gain report has been submitted to provide an assessment of the ecological value of the site in local context and to identify potential ecological constraints relating to the development and recommend measures to avoid, reduce or manage negative effects and provide new ecology gain.
- 6.8.3 The ecological appraisal indicates that the development will result in the loss of a native hedgerow along the southern boundary and indicates that a replacement hedgerow and planting will be required. The proposed site forms part of a field used for grazing and does not contain any protected or rare species.
- 6.8.4 The development will have no impact upon the woodland to the west of the site and the gradient of the land further divides the site from any potential sett chambers in this woodland. The habitats on site are unlikely to be of significance to bat species and there are no potential roosting sites present on or adjacent to the site. The removal of hedgerow has the potential to disturb breeding birds, although works will be timed so as to avoid the main breeding season. There are no ponds within 250 metres of the site and no records of Great Crested Newts. The site does not provide particularly suitable terrestrial opportunities for reptiles and is largely isolated from nearby known reptile records. However, a grass snake has been recorded at Springhill recently and therefore mitigation measures will be required during construction work on site.
- 6.8.5 The ecological appraisal indicates that the development will include ecological enhancements through native tree planting, native hedge planting, on-going management of remaining grassland at the site and the inclusion of wildlife features into the new dwellings. The Council Ecology Officer has indicated that the level of survey works and ecological enhancements are acceptable subject to a safeguarding condition regarding the provision of a Construction Environmental Management Plan being agreed prior to any works commencing.

## 6.9 **Biodiversity Net Gain**

- 6.9.1 Under Schedule 7A of the Town and Country Planning Act 1990 Biodiversity Net Gain for small sites (residential development between 1 and 9 dwellings) was mandatory from the 2<sup>nd</sup> April 2024. Having regard this application was received on the 3<sup>rd</sup> April 2024 this development must deliver at least 10% increase in biodiversity value relative to the existing on site habitat. A Small Sites Biodiversity Net Gain Metric has been completed which demonstrates that the proposed development would result in an increase in Habitat units of 0.44 resulting in a 25.54% biodiversity net gain, and an increase in Hedgerow units of 0.39 resulting in a 54.79% biodiversity net gain. The Biodiversity net gain for the proposed site will be achieved by native tree planting, native hedge planting, on-going management of remaining grassland at the site and the inclusion of wildlife features into the new dwellings.
- 6.9.2 The Council Ecology Officer has indicated that because the Biodiversity Net Gain is considered to be significant some of which will be provided off site on adjoining

land in the applicants ownership, a Section 106 agreement will be required to secure the Biodiversity Net Gain for 30 years. The level of survey work and proposed ecological enhancements are acceptable subject to a safeguarding condition regarding Construction Environmental Management Plan and informative regarding protection of wildlife.

## **6.10 Drainage & Flooding**

- 6.10.1 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.
- 6.10.2 The application indicates that foul water drainage will be directed to the existing foul mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. Whilst the surface water will be directed through a flow control device for each bungalow allowing the water to discharge to the combined sewer which passes through the site at a rate of 2 litres/second. The Council Drainage Officer has indicated that the proposed drainage strategy is acceptable in principle subject to a safeguarding condition regarding foul and surface water drainage being agreed prior to any works commencing.
- 6.10.3 The proposed site lies within Flood Zone 1 where there is a 'Low Probability of Flood Risk'. The Environment Agency surface water flooding maps indicates that the site has not known to be subject to any flooding. There will be no detrimental impact upon any future occupiers of the bungalows through flood risk and the development of the site will not result in the loss of any flood storage capacity.

## **6.11 Affordable Housing**

- 6.11.1 The Council Affordable Housing Officer has indicated that this development should provide an affordable housing contribution as the proposed development is a continuation of the adjacent application 22/04151/FUL and will provide a total of 9 dwellings. The adjoining development was in the same ownership as the proposed development approved six dwellings in November 2022 all of which have been completed and are now occupied.
- 6.11.2 The Written Ministerial Statement published in November 2014 indicated that affordable housing contributions on sites of 10 units or less or 5 units or less in designated protected rural areas would not be required. The proposed site falls within the development boundary of Market Drayton and is not classified as countryside or a designated protected rural area.
- 6.11.3 Having regard that the combined number of dwellings is less than 10 units then no affordable housing provision is required.

## **6.12 Other Matters**

- 6.12.1 Concerns have been raised by the Garden Trust indicating the 60,000 tonnes of material will need to be excavated and transported off site. However, a detailed calculation breakdown has been submitted by the agent which indicates that approximately 2,279 cubic metres or 3,646 tonnes would be excavated. This

would result in 91.15 lorry loads (40 tonne/lorry). It is anticipated that this excavation would be undertaken during the working day between 10:00am and 4:00pm to avoid peak traffic times. At 4 lorries per hour this would equate to 24 vehicles per day and a maximum of 4 days' work. A banksman would be used on site to manage the access and the loading of the vehicles within the site. Having regard to the requirement to excavate the ground and transport it off site a safeguarding condition regarding the submission and approval of a Construction Environmental Management Plan is proposed which would include a restriction on the hours of extracted material to minimise any impact on neighbouring properties and the highway network.

- 6.12.2 Concerns have been raised that there is insufficient local infrastructure for additional dwellings. However, policy CS9 'Infrastructure Contributions' of the Shropshire Core Strategy indicates that development that provides additional dwellings should help deliver more sustainable communities by making contributions to the local infrastructure. The arrangements for the use of the levy funds are detailed in the Local Development Frame Implementation Plan. All three of the bungalows will be required to pay a Community Infrastructure Levy.
- 6.11.3 Concerns have been raised that there is no space for site construction vehicles and the damage that construction vehicles may make to neighbouring properties. The requirement for parking for construction vehicles would be managed by the developer. The Council Highways Officer has recommended a condition requiring a Construction Method Statement which includes details of the parking provision of vehicles of site operatives and visitors including loading and unloading of plant and materials. This would have to be agreed with the Council prior to the development commencing. Any damage caused by construction vehicles is not a planning consideration and any damage would be dealt with by the vehicles insurance company.

## **7.0 CONCLUSION**

- 7.1 The principle for residential development is acceptable, whilst the proposed design and layout will respect neighbouring properties and will not result in any detrimental impact on residential amenity. The application has demonstrated that it will not impact on the historic character and appearance of the conservation area or impact on the setting or views from heritage assets. The repositioning of the roadside boundary hedge will facilitate the provision of a standard width footpath which will improve pedestrian accessibility into the town centre for residents along Walkmill Road. The proposed accesses will provide adequate visibility for the ingress and egress of vehicles and will not result in highway safety concerns, whilst adequate off street parking and manoeuvring is provided. The proposed development will not impact on any protected species and will benefit from Biodiversity Net Gains.
- 7.2 This application is recommended for approval subject to the satisfactory completion of a Section 106 agreement to secure the Biodiversity Net Gain for 30 years, and conditions set out in Appendix 1.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

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

## 8.2 **Human Rights**

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

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

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

## 8.3 **Equalities**

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

## 9.0 **FINANCIAL IMPLICATIONS**

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

as they are material to the application. The weight given to this issue is a matter for the decision maker.

## **10.0 BACKGROUND**

### **10.1 Relevant Planning Policies**

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

#### **Central Government Guidance:**

National Planning Policy Framework

#### **Shropshire Council Core Strategy (February 2011):**

CS1 : Strategic Approach

CS3 : The Market Town and Other Key Centres

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

CS18 : Sustainable Water Management

#### **Site Allocations and Management Development Plan (December 2016):**

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD12 : Natural Environment

MD13 : Historic Environment

S11 : Market Drayton

### **10.2 Relevant Planning History**

23/04625/FUL - Erection of six bungalows with associated access onto Walkmill Road, parking, garden areas and landscaping. Withdrawn 20<sup>th</sup> December 2023.

PREAPP/23/00621 - Erection of 6 bungalows with associated access onto Walkmill Road, parking, garden areas and landscaping. Acceptable in Principle 11<sup>th</sup> September 2023.

10/02934/FUL - Residential development of ten eco-homes with formation of new vehicular access and associated landscaping. Refused 17<sup>th</sup> November 2010.

09/02114/FUL - Residential Development comprising 57 houses; formation of new vehicular access, visibility splay and estate roads; erection of retaining wall and boundary treatment; landscaping scheme. Withdrawn 17<sup>th</sup> December 2009.

## **11.0 ADDITIONAL INFORMATION**

List of Background Papers - Planning Application reference 24/01359/FUL

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr David Minnery & Cllr Ian Nellins

Appendices  
APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans, 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. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.  
Reason: To ensure that the external appearance of the development is satisfactory.
4. The visibility splays shown on the Highway Detail plan (drawing no. FCA015-S2-03 Rev. A) shall be set out in accordance with the splay lines shown. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwellings being occupied and thereafter be maintained at all times free from any obstruction.  
Reason: To provide a measure of visibility from the new access in both directions along the highway in the interests of highway safety.
5. The accesses, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Highway Detail plan (drawing no. FCA015-S2-03 Rev. A) and the Proposed Landscape plan (drawing no. FCA015-S2-04 Rev. C) prior to the dwellings being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.  
Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.
6. The access aprons shall be constructed in accordance with Shropshire Councils specification currently in force for a residential access and agricultural access and shall be fully implemented prior to the dwellings being occupied.  
Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.
7. The widening of the footway to 2.0 metres along the site road frontage be satisfactorily completed and laid out in accordance with the Highway Detail plan (drawing no. FCA015-S2-03 Rev. A) and the Proposed Landscape plan (drawing no. FCA015-S2-04 Rev. C) prior to the dwellings being occupied.  
Reason: In the interests of highway safety.

#### **CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**



8. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a Written Scheme of Investigation This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.  
Reason: The site is known to hold archaeological interest.
9. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved. The protective fence shall be erected prior to commencing any approved development related activities on site and maintained throughout the duration of the development and the applicant shall submit to the Local Authority a photograph and / or a completion statement to demonstrate compliance with the approved tree protection measures.  
Reason: To safeguard the amenities of the local area by protecting trees.
10. Prior to the commencement of the development the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing and works to the hedges as outlined in the submitted tree and hedgerow report and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures at each stage listed.  
Reason: To ensure delivery of tree protection measures on site that require supervision by a competent arboriculturist.
11. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- (a) An appropriately scaled plan showing Wildlife/Habitat Protection Zones where construction activities are restricted, where protective measures will be installed or implemented.
  - (b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction.
  - (c) Requirements and proposals for any site lighting required during the construction phase.
  - (d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season).
  - (e) The times during construction when an ecological clerk of works needs to be present on site to oversee works.
  - (f) Identification of Persons responsible for:
    - i. Compliance with legal consents relating to nature conservation.
    - ii. Compliance with planning conditions relating to nature conservation.
    - iii. Installation of physical protection measures during construction.
    - iv. Implementation of sensitive working practices during construction.
    - v. Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
    - vi. Provision of training and information about the importance of Wildlife Protection Zones to all construction personnel on site.
  - (g) Pollution prevention measures. All construction activities shall be implemented strictly in accordance with the approved plan.
  - (h) A traffic management and HGV routing plan and local community protocol.
  - (i) The parking of vehicles of site operatives and visitors.

- (j) Loading and unloading of plant and materials.
- (k) Storage of plant and materials used in constructing the development.
- (l) Wheel washing facilities.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and Section 174 of the NPPF and to avoid congestion in the surrounding area and to protect the amenities of the area.

12. No development shall take place until a detailed hard and soft landscape scheme for the whole site has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include Plant species, sizes, numbers and densities, method of cultivation and planting, means of protection and programme for implementation. This is for all grassed areas, tree, shrub, and hedgerow planting. Details of all boundary structures, including materials.  
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
13. No development shall take place until a Schedule of Landscape Maintenance for hedges, trees and verges for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. A minimum height and width for the maintenance of hedges shall be included. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.  
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
14. 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 (whichever is the sooner).  
Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

## **CONDITIONS THAT REQUIRE APPROVAL DURING CONSTRUCTION AND PRIOR TO OCCUPATION**

15. Details of the roof construction including details of eaves, under cloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the relevant works commences. The development shall be carried out in complete accordance with the approved details.  
Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.
16. Details of the materials and form of the heads and sills to new openings in the external walls of the dwellings shall be submitted to and approved in writing by the Local Planning Authority before the relevant works commence. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

17. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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**Recommendation:** Grant permission subject to the satisfactory completion of a Section 106 agreement to restrict the overall number of birds on the broiler unit at Meadowlands and retrofit heat exchanger to each of the size existing poultry sheds, and conditions set out in Appendix 1.

## REPORT

<b>1.0</b>	<b>THE PROPOSAL</b>
1.1	<p>Planning permission was granted in March 2023 under application reference 22/02001/EIA for the “<i>Erection of three additional poultry units with associated air scrubber units, control rooms, feed blending rooms, feed bins, hard standings, dirty water tanks and a drainage attenuation pond, together with retrofitting an air scrubber unit to an existing poultry shed</i>”. This current application seeks to vary conditions 2 (approved plans) and condition 9 (bird numbers), and to remove condition 5 (scheme for air scrubbing on Unit 1) and condition 7 (installation of air scrubbers). This essentially seeks to change two elements of the planning permission which are in relation to the approved ammonia mitigation strategy and the bird numbers.</p>
1.2	<p>The proposed site capacity will change from:</p> <ul style="list-style-type: none"> <li>• 318,000 birds in 6 buildings (no ammonia mitigation); to</li> <li>• 363,795 birds in 9 broiler sheds all with heat exchangers.</li> <li>• The extant permission is for 460,500 birds in 9 broilers sheds (with air scrubbers on 4 buildings)</li> </ul>
1.3	<p>The reason for the proposed changes is due to the applicant reducing the bird numbers to 30kg birds per square metre on the whole site which is the required stocking maximum of ‘RSCPA assured’ higher welfare accommodation for broilers.</p>
1.4	<p>The application has been accompanied by a site location plan, block plan, elevations and floor plans, Design &amp; Access Statement, Flood Risk &amp; Drainage Assessment, Landscape &amp; Visual Impact Assessment, Transport Statement, Noise Impact Assessment, Odour Report, Ammonia Report and Environment Statement.</p>
1.5	<p>The original application 22/02001/EIA was considered Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and was subject to a detailed Environmental Impact Assessment. Whilst this current application is only considering amendments to specific environmental matters regarding emissions and does not require a whole new assessment of the development, the resultant total bird numbers nonetheless remain above the threshold as set out in Schedule 1 of the EIA Regulations, and therefore the proposed development is EIA development and determined accordingly. Although this application has not been subject to a formal scoping exercise of the environmental impact officers agree with the applicant’s assessment as indicated in the submitted Environmental Statement and accompanying supporting documents.</p>
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>

2.1	The site is located at Meadowlands, an 18.6 hectare farm at Sleaf, and is an existing poultry enterprise. There are six modern poultry buildings at the farm, developed through 2014 to 2017 with a housing capacity of 318,000 broilers. The site is within the Parish of Myddle, Broughton and Harmer Hill and sits in an area of countryside. Sleaf is located approximately 3km to the south of the market town of Wem and is made up of sporadic houses and farms, the private airfield operated by Sleaf Aero Club and a small number of other businesses.
2.2	Access to the site is via the minor road known as Burma Road, which is accessed off the B5476 Shrewsbury to Wem Road. Wem, Clive and Myddle are all approximately 3km from the site and Loppington is 3.75km away. There are a small number of houses and farms in Sleaf, it is not an identified settlement in the SAMDEV Plan but is recognisable on an OS map. The site is therefore considered to be countryside in planning terms with the main use being the airfield which is still in active use by small aircraft.
<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
3.1	The application is considered Schedule 1 development in accordance with Environment Impact Assessment Regulations. As such the application requires Committee consideration.
<b>4.0</b>	<b>COMMUNITY REPRESENTATIONS</b>
<b>4.1</b>	<b>Consultee Comments</b>
4.1.1	<b>Shropshire Council, Highways</b> - The proposed development raises no fundamental concerns the highways perspective and there are no objections to the proposed variations.
4.1.2	<b>Shropshire Council, Ecology</b> - No objection is raised with regards to the proposed change from air scrubbers (on the new buildings and 1 existing building) to heat exchangers (on all existing and proposed buildings). The predicted emissions from the proposed scenario are lower than the permitted scenario, which was already a betterment to the current situation. In fact, the betterment is even better than shown because the ammonia modelling has used a 10km screening distance, where we would only have required 5km now (compared to 2022). The Environmental Statement confirms that manure will be taken to the Anaerobic Digester plant in Whitchurch. As a result, the impacts of waste disposal have been scoped out of the Environmental Impact Assessment process as the Anaerobic Digester plant is a licensed waste facility which is allowed to process poultry manure and is subject to its own Environmental Assessment and Environmental Permit. The proposed amendments to the scheme involve a reduction in bird numbers and hence manure generation will be reduced.
4.1.3	<b>Shropshire Council, Drainage</b> - The variations are unlikely to increase flood risk and therefore are acceptable.
4.1.4	<b>Shropshire Council, Regulatory Services</b> - Having reviewed the information provided by the applicant, we concur with the findings of the reports that odour and noise impact will be low at the nearest properties.

4.1.5	<b>Shropshire Council, Landscape Consultants</b> - This proposed site is relatively small in landscape and visual terms and will not have any significant landscape and visual impact subject to the landscape mitigation proposal. The amendments to the design and layout of the development are negligible.
4.1.6	<b>Environment Agency</b> - We previously commented on the associated application 22/02001/EIA, where we advised of the Environmental Permitting requirement for this operation and confirmed what would be controlled by the permit. These comments remain relevant. As detailed within the Design & Access statement, the business is now proposing to reduce the stocking density across the whole site by 21% and remove 4 x air scrubbers and replace with 9 x heat exchangers. We did not recommend the above planning conditions that the applicant is now seeking to vary. However, we can confirm that the permit (SP3737FF) was varied (May 2023) to reflect these requirements. Therefore, the current permit does contain conditions that state that houses 1 and 7 to 9 have air scrubbers to reduce ammonia emissions and that houses 1 to 6 have heat exchangers. A copy of the variation is attached for your reference). A variation to the permit will now be required to remove the requirement for air scrubbers and to reflect the new emissions points. The applicant is advised to contact our National Permitting Service for further information. We can confirm that the existing site is well managed; only one unsubstantiated odour complaint has been received this year.
4.1.7	<b>Myddle Broughton and Harmer Hill Parish Council</b> - A formal response has been received raising no comment.
4.2	<b>Public Comments</b>
4.2.1	No public representations have been received.
<b>5.0</b>	<b>THE MAIN ISSUES</b>
	<ul style="list-style-type: none"> <li>• Background</li> <li>• Environmental Impact Assessment</li> <li>• Impact on Residential Amenity</li> <li>• Landscape and Visual Impacts</li> <li>• Drainage</li> <li>• Highways</li> <li>• Ecology</li> </ul>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
6.1	<b>Background</b>
6.1.1	Meadowlands is an established poultry farm, which extends to six poultry houses which are used for broiler rearing. Five of the existing poultry houses were constructed in 2013, and the sixth as an expansion in 2016.
6.1.2	All of the existing poultry houses are identical, and of standard poultry house construction, formed from steel portal frames, with the external cladding being polyester coated profile sheeting in Olive Green. The existing poultry houses are



	equipped with automated feeders and drinkers, and a high-speed roof mounted ventilation system. The existing poultry houses each accommodate up to 53,000 birds per flock, with the site having a total capacity of 318,000 birds.																		
6.1.3	The applicants propose to expand their poultry farming operations on the site through the erection of additional poultry sheds. Planning permission was granted on the 9 <sup>th</sup> March 2023 for three additional poultry sheds under application reference 22/02001/EIA. This current application seeks to vary conditions 2 and 9 of planning permission 22/02001/EIA and remove conditions 5 and 7. Essentially, this amendment proposes to reduce the stocking density on the whole farm by 21%, and seeks to remove the four air scrubbers, and replace these with nine heat exchangers.																		
6.1.4	<p>The approved development provided three additional poultry houses with associated control rooms, feed blending rooms, feed bins, hard standings, dirty water tanks, and an attenuation pond, together with heat exchangers. The proposal also seeks to retrofit exchangers to the existing six poultry houses on the site and this element is proposed to be controlled by a Section 106 agreement. The detailed elements of the site expansion scheme which was approved in 2023 are shown in the table below.</p> <table border="1"> <thead> <tr> <th>Element</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>Poultry Houses</td> <td>Three Poultry Houses measuring 117m x 20.42m with an eaves height of 3.3m and a ridge height of 6.114m.</td> </tr> <tr> <td>Control Rooms</td> <td>Three control rooms attached to the south elevation of the new poultry houses, measuring 12.510m x 4m with an eaves height of 3.3m and a ridge height of 6.114m.</td> </tr> <tr> <td>Feed Blending Rooms</td> <td>Two feed blending rooms, measuring 4m x 3m with an eaves height of 2.9m and ridge height of 3.446m.</td> </tr> <tr> <td>Hard standings</td> <td>Concrete Aprons to the north and south of the proposed poultry houses.</td> </tr> <tr> <td>Dirty Water Tanks</td> <td>One SSAFO certified dirty water tanks.</td> </tr> <tr> <td>Drainage Attenuation Pond</td> <td>Sustainable Drainage System</td> </tr> <tr> <td>Heat Exchangers (on site)</td> <td>Three Big Dutchman Earny 2 Heat Exchanges</td> </tr> <tr> <td>Heat Exchangers (off site)</td> <td>Retrofit six Big Dutchman Earny 2 Heat Exchangers to the existing six poultry sheds.</td> </tr> </tbody> </table> <p>The additional poultry sheds approved under 22/02001/EIA have a capacity of 142,500, taking the overall capacity of the farm up to 460,500 birds. As part of the amendment proposals, the business is permanently adopting the new high welfare stocking density which therefore represents the 21% reduction in bird</p>	Element	Description	Poultry Houses	Three Poultry Houses measuring 117m x 20.42m with an eaves height of 3.3m and a ridge height of 6.114m.	Control Rooms	Three control rooms attached to the south elevation of the new poultry houses, measuring 12.510m x 4m with an eaves height of 3.3m and a ridge height of 6.114m.	Feed Blending Rooms	Two feed blending rooms, measuring 4m x 3m with an eaves height of 2.9m and ridge height of 3.446m.	Hard standings	Concrete Aprons to the north and south of the proposed poultry houses.	Dirty Water Tanks	One SSAFO certified dirty water tanks.	Drainage Attenuation Pond	Sustainable Drainage System	Heat Exchangers (on site)	Three Big Dutchman Earny 2 Heat Exchanges	Heat Exchangers (off site)	Retrofit six Big Dutchman Earny 2 Heat Exchangers to the existing six poultry sheds.
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	numbers on the whole site. Post development, the whole site will be stocked at a maximum of 363,795 birds.
6.1.5	The use of the development will be for the rearing of broiler chickens. Birds will be delivered to the site as old chicks, and reared within the buildings for 38 days, at which point they will be removed live to the processors and enter the food chain. Following the removal of each flock of birds, the buildings will be mucked out, power washed, dried, bedded with shavings and pre heated in readiness for the next flock of birds. The cleaning and building preparation process takes around 10 days. All manure and dirty water generated by the existing poultry units is currently disposed of via the applicants existing biogas plant at Whitchurch. The additional manure and dirty water arising the expanded development will also be directed to the applicant's biogas plant at Whitchurch. The existing and proposed buildings will operate on an all-in-all out basis, with all nine poultry houses stocked and de stocked at the same time.
	<u>Ammonia Mitigation Strategy</u>
6.1.6	Meadowlands Poultry Unit currently extends to six poultry sheds which provide accommodation for 318,000 birds. The approved development seeks to expand the poultry unit through the erection of three additional poultry sheds and includes mitigation for ammonia impacts through the installation of air scrubbing units on the three additional sheds, together with retrofitting of an air scrubber on one of the existing sheds. This mitigation is secured by the planning permission by virtue of condition 2 (approved plans) and conditions 5 (scheme for air scrubbing on Unit 1) and 7 (installation of air scrubbers).
6.1.7	The applicants are seeking to amend the ammonia mitigation strategy associated with the development through the removal of the air scrubbers from the approved plans. An alternative scheme is proposed to mitigate ammonia impacts which is twofold, and includes the adoption of the new higher welfare, lower stocking density across the whole farm, together with the installation of nine heat exchanger units to all poultry houses on the site (6 existing and 3 proposed). This alternative scheme, which includes a reduction in the number of birds and the new heat exchangers, is a betterment in that the emissions will be lower than the previously approved scheme and will therefore have less impact on the environment.
	<u>Reduction in Stocking Density</u>
6.1.8	The applicants propose to permanently move the whole of the farm over to the new lower stocking density of 30kg/m <sup>2</sup> which represents a 21% reduction in bird numbers on the site. Planning permission 22/02001/EIA is based on the expanded farm being stocked at a maximum of 460,500 birds. Under the new higher welfare stocking density, this figure will reduce to 363,795 birds on the whole expanded site. It is proposed to control the stocking density through an amendment to condition 9, and within a proposed Section 106 agreement.
	<u>Installation of Heat Exchangers</u>
6.1.9	The development seeks to implement ammonia mitigation through the installation of nine Big Dutchman Earny 2 heat exchangers on the site which achieve a

	reduction in ammonia of 35%. This includes retrofitting heat exchangers to the existing six poultry sheds, and installation of three heat exchangers to the proposed three poultry sheds. As part of the proposed mitigation is outside of the red line of planning permission 22/02001/EIA, it is proposed to control this through the proposed Section 106 agreement.
	<u>Variation of Condition 9</u>
6.1.10	<p>Condition 9 (bird numbers) of planning permission 22/02001/EIA states:</p> <p><i>“No more than 142,500 birds shall be kept in the buildings hereby approved at any one time. The broiler unit as a whole at Meadowlands Poultry Ltd, Meadowlands, Sleaf, SY4 3HE shall house no more than 460,500 birds at any one time. Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to the local planning authority on request”.</i></p>
6.1.11	<p>It is proposed to vary condition 9 to the following wording:</p> <p><i>“No more than <b>112,575</b> birds shall be kept in the buildings hereby approved at any one time. The broiler unit as a whole at Meadowlands Poultry Ltd, Meadowlands, Sleaf, SY4 3HE shall house no more than <b>363,795</b> birds at any one time. Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to the local planning authority on request”.</i></p>
	<u>Removal of Conditions 5 and 7</u>
6.1.12	Conditions 5 (scheme for air scrubbing on Unit 1) and 7 (installation of air scrubbers) of planning permission 22/02001/EIA relate to the installation and operation of the air scrubbers. It is proposed to remove these conditions from the planning permission.
	<u>Evidence Base Support the Proposed Amendments</u>
6.1.13	The proposed amendments to the scheme are extremely limited, and simply relates to the mitigation measures and equipment to be used as ammonia abatement techniques. The changes in the technical specification of the poultry sheds will result in a change to the emissions profiles for ammonia and odour, and a change to the noise emissions due to the different equipment being used.
6.1.14	<p>In order to demonstrate the different impacts of the proposed development, updated assessments have been submitted in terms of Ammonia, Odour and Noise Assessments. The updated assessments are:</p> <ul style="list-style-type: none"> <li>• Ammonia Emissions Impact Assessment (Isopleth, June 2024)</li> <li>• Odour Impact Assessment (Isopleth, June 2024)</li> <li>• Noise Impact Assessment (Matrix, 25<sup>th</sup> June 2024)</li> </ul>
6.2	<b>Environmental Impact Assessment</b>
6.2.1	

	<p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of broiler birds is 85,000 or more. As such the previous application 22/02001/EIA for the three poultry units was classed as Schedule 1: 17(a) EIA development as the number of birds on site would be 142,500. However, under Schedule 1: (24) of the EIA regulations it states that “<i>Any change to or extension of development listed in this Schedule where such a change or extension in its self meets the thresholds, if any, or description set out in this Schedule</i>”. Although the proposed application results in the reduction of the total number of birds by 29,925 this would still result in the development of the three poultry units exceeding the 85,000 threshold. Therefore, the development would exceed the threshold on 17(a) and would be Schedule 1 EIA development. On this basis, this application has been accompanied by an Environmental Statement.</p>
<b>6.3</b>	<b>Impact on Residential Amenity</b>
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.
	<u>Poultry Buildings</u>
6.3.2	Having regard to the distance away from neighbouring properties and low height the proposed poultry houses will not result in any detrimental impact from causing any overbearing impact or loss of light.
	<u>Noise</u>
6.3.3	The Noise Impact Assessment, undertaken in accordance with BS4142, demonstrates that the likely noise impacts of the proposed amendment to the scheme will be low. The Council Environmental Protection Officer has raised no objection to the application.
	<u>Odour</u>
6.3.4	The Odour Impact Assessment predicts that the odour impacts of the proposed amendment to the scheme will be lower than the impacts of the extant planning permission 22/02001/EIA. The Council Environmental Protection Officer has raised no objection to the application.
	<u>Light Pollution</u>
6.3.5	The development will not require 24 hour external lighting and any lighting will be on motion sensors limiting the time any lighting is on and will be directed towards the ground. The existing site has not raised any concerns regarding light pollution and officers on the previous application did not consider that the addition of three poultry units would lead to any significant light pollution.
<b>6.4</b>	<b>Landscape and Visual Impacts</b>

6.4.1	The proposed heat exchanger equipment measures 2.4 metres wide by 5 metres long to a height of 2.2 metres with an exhaust to a height of 3.9 metres. The equipment will be sited on a concrete pad and positioned mid-way along the length of the building. Having regard to the position, the existing and proposed poultry units will screen the equipment. The changes to the layout and scale of the development are negligible, and therefore, the previously prepared Landscape and Visual Impact Assessment (dated 29 <sup>th</sup> July 2022) remains valid. The Council Landscape Consultant has raised no objection to the application.																																				
6.5	<b>Drainage</b>																																				
6.5.1	The changes to the layout and scale of the development are negligible, and therefore, the previously prepared Flood Risk and Drainage Assessment (April 2022) remains valid. The Council Drainage Team have raised no objection to the application																																				
6.6	<b>Highways</b>																																				
6.6.1	<p>Planning application 22/02001/EIA was accompanied by a Transport Statement prepared by Hurlstone Associates (April 2022). As part of the proposed amendments, the capacity of the site in terms of bird numbers will be reduced from the approved 460,500 birds down to 363,795 birds. Traffic generation on a poultry unit is intrinsically linked to the number of birds accommodated on the farm. As this amendment involves a significant reduction in the proposed bird numbers on the site, the Transport Statement is now an over estimation of the highway impacts of the proposed development. The following table shows the traffic generation impacts of the proposed amendment.</p> <table border="1" data-bbox="284 1182 1423 2060"> <thead> <tr> <th data-bbox="284 1182 568 1279">Activity</th> <th data-bbox="568 1182 852 1279">Vehicle Size</th> <th data-bbox="852 1182 1136 1279">Approved Scenario (460,500 birds)</th> <th data-bbox="1136 1182 1423 1279">Proposed Higher Welfare Scenario (363,795 birds)</th> </tr> </thead> <tbody> <tr> <td data-bbox="284 1279 568 1391">Chick Delivery</td> <td data-bbox="568 1279 852 1391">16.5m Articulated HGV</td> <td data-bbox="852 1279 1136 1391">7</td> <td data-bbox="1136 1279 1423 1391">5</td> </tr> <tr> <td data-bbox="284 1391 568 1503">Feed Delivery</td> <td data-bbox="568 1391 852 1503">16.5m Articulated HGV</td> <td data-bbox="852 1391 1136 1503">50</td> <td data-bbox="1136 1391 1423 1503">39</td> </tr> <tr> <td data-bbox="284 1503 568 1615">Bird Collection</td> <td data-bbox="568 1503 852 1615">16.5m Articulated HGV</td> <td data-bbox="852 1503 1136 1615">57</td> <td data-bbox="1136 1503 1423 1615">45</td> </tr> <tr> <td data-bbox="284 1615 568 1727">Manure Removal</td> <td data-bbox="568 1615 852 1727">16.5m Articulated HGV</td> <td data-bbox="852 1615 1136 1727">24</td> <td data-bbox="1136 1615 1423 1727">19</td> </tr> <tr> <td data-bbox="284 1727 568 1794">Dirty Water Removal</td> <td data-bbox="568 1727 852 1794">Tanker</td> <td data-bbox="852 1727 1136 1794">12</td> <td data-bbox="1136 1727 1423 1794">7</td> </tr> <tr> <td data-bbox="284 1794 568 1861">Carcass Collection</td> <td data-bbox="568 1794 852 1861">7.5 tonne rigid LGV</td> <td data-bbox="852 1794 1136 1861">5</td> <td data-bbox="1136 1794 1423 1861">5</td> </tr> <tr> <td data-bbox="284 1861 568 1962">Fuel Delivery</td> <td data-bbox="568 1861 852 1962">16.5m Articulated HGV</td> <td data-bbox="852 1861 1136 1962">6</td> <td data-bbox="1136 1861 1423 1962">5</td> </tr> <tr> <td data-bbox="284 1962 568 2060">Shavings Delivery</td> <td data-bbox="568 1962 852 2060">16.5m Articulated HGV</td> <td data-bbox="852 1962 1136 2060">3</td> <td data-bbox="1136 1962 1423 2060">3</td> </tr> </tbody> </table>	Activity	Vehicle Size	Approved Scenario (460,500 birds)	Proposed Higher Welfare Scenario (363,795 birds)	Chick Delivery	16.5m Articulated HGV	7	5	Feed Delivery	16.5m Articulated HGV	50	39	Bird Collection	16.5m Articulated HGV	57	45	Manure Removal	16.5m Articulated HGV	24	19	Dirty Water Removal	Tanker	12	7	Carcass Collection	7.5 tonne rigid LGV	5	5	Fuel Delivery	16.5m Articulated HGV	6	5	Shavings Delivery	16.5m Articulated HGV	3	3
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	Total per flock		164 (328 movements)	128 (256 movements)
	<b>Total per annum (7.5 flocks)</b>		<b>1230 (2,460 movements)</b>	<b>960 (1,920 movements)</b>
6.6.2	As demonstrated above, the implication of the proposed amendment to the scheme through the stocking density reduction results in a reduction in traffic generation associated with the site of 540 movements per annum. The Council Highways Officer has raised no objection to the application.			
6.7	<b>Ecology</b>			
6.7.1	The previous application was accompanied by a detailed Ecological Appraisal which was carried out to provide an assessment of the ecological value of the site in local context and to identify potential ecological constraints relating to the development and recommend measures to avoid, reduce or manage negative effects and provide a new ecology gain.			
6.7.2	The proposed biodiversity enhancements for wildlife include the construction of a new attenuation pond, the placement of hedgehog boxes in the bases of hedgerows and the erection of bird and bat boxes on suitable trees within the curtilage of the farm. It was considered that the installation of new ammonia air scrubbers on an existing poultry shed as well as the new poultry sheds would reduce the ammonia emissions from the poultry units as a whole. It was concluded that the proposed ecological protection and enhancements would provide biodiversity net gains with no unacceptable adverse impact on ecology.			
	<u>Emissions</u>			
6.7.3	This variation application has now been accompanied by a revised Ammonia Emissions Impact Assessment which demonstrates that the proposal to reduce the stocking density across the whole farm and install heat exchangers to all poultry houses provides positive benefits and will result in lower ammonia impacts to protected ecological sites than the already consented development application 22/02001/EIA.			
6.7.4	The Council Ecology Officer has indicated that the predicted emissions will be lower than the previously approved scheme, which was already a betterment to the current situation at the site. The ammonia modelling has used a 10km screening distance and will not result in any impacts. The Environmental Statement confirms that manure will be taken to the Anaerobic Digester plant in Whitchurch which is a licensed waste facility and allows to process poultry manure and is subject to an Environmental Assessment and Environmental Permit. The proposed amendments to the scheme involve a reduction in bird numbers and hence manure generation will be reduced. The Council Ecology Officer has raised no objection to the application.			
6.7.5	The Environment Agency have confirmed that the proposed site is controlled by an Environmental Permit which the applicant is aware will need amending to relate to the change from air scrubbers to heat exchangers. The Environment Agency have confirmed that the site is well managed and has raised no objection.			

	<u>Biodiversity Net Gain</u>
6.7.6	This is a Section 73 application as it relates to a variation of conditions to application 22/02001/EIA which was approved on the 9 <sup>th</sup> March 2023. Biodiversity Net Gain does not apply to Section 73 applications where the original planning permission was granted before the 12 <sup>th</sup> February 2024.
	<u>Manure Management</u>
6.7.7	The proposed development will produce 1,052 tonnes less manure than the current scheme approved under application 22/02001/EIA. All of the manure generated by the development will be disposed of via an anaerobic digester plant which would operate under an Environmental Permit to process poultry manure, silage and energy crops. The process is used for managing waste, producing renewable energy, and creating a valuable byproduct for agriculture.
6.7.8	The biogas produced by the anaerobic digester plant consists of 50-70% methane which is a valuable fuel, used to produce electricity and heat. The leftover material, called digestate, is the solid and liquid residue from the digestion process. This digestate is used as a nutrient-rich fertiliser for agricultural applications.
6.7.9	The agent has indicated that the anaerobic digester plants are businesses and need to operate their plants at maximum efficiency, as their revenue is linked to the volume of gas they produce. The manure arising from the application site at Meadowlands is simply a feedstock into the anaerobic digester plant, and in the absence of the availability of this specific manure as a feedstock, the anaerobic digester plant would simply source its feedstock from elsewhere to maintain their biogas production capacity.
6.7.10	The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (Farming Rules for Water) aims to reduce the risk of water pollution from agricultural activities (including the spreading of the anaerobic digester byproduct). The legal requirements control the timing of spreading, provide a buffer zones, control the application rate and method, and ensure land is suitable for digestate, together with the requirement to keep a Nutrient Management Plan and record of spreading.
6.7.11	The Environmental Statement indicates that the development will not produce any effects beyond those which may be experienced within the current farming enterprise. In conclusion the agent has indicated that this current application will result in a substantial reduction in manure volume which is disposed of via a licensed waste facility holding an Environmental Permit which allows the processing of poultry manure.
6.7.12	The production of digestate and its subsequent disposal are as a result of the existence and operation of the anaerobic digester plant. The development is simply a source of anaerobic digester feedstock. The management and subsequent spreading of digestate falls under the legal requirements of the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations

	2018 (Farming Rules for Water) and by adhering to these rules, the environmental risks associated with digestate spreading are mitigated.
6.7.13	The Environmental Statement indicates that the impacts from manure management are 'none' and the Council Ecology Officer has raised no objection to this process of dealing with the manure waste from this poultry unit.
<b>7.0</b>	<b>CONCLUSION</b>
7.1	It is considered that the Environmental Statement accompanying the application demonstrates that the environmental impacts of the proposed development are not significant and are capable of being effectively controlled and mitigated. The layout, appearance and scale of the poultry houses, together with the additional landscaping belt will remain as previously approved and will minimise its visual impact on the rural landscape and will not have a detrimental impact upon the residential amenities of the surrounding area. The recommended conditions would also be supplemented by detailed operational controls available under the Environment Agency's permitting regime. It is concluded that the proposed reduction in the bird numbers and installation of heat exchangers will improve the proposed operation of this site and are acceptable in relation to relevant development plan policies and guidance.
7.2	This application would be subject to a Section 106 agreement to restrict the overall number of birds on the broiler unit at Meadowlands to no more than 363,795 and retrofit heat exchanger to each of the six existing poultry sheds for the lifetime of the development.
<b>8.0</b>	<b>RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL</b>
8.1	<b>Risk Management</b>
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>• As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.</li> <li>• The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.</li> </ul> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>



8.2	<b>Human Rights</b>
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	<b>Equalities</b>
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of ‘relevant considerations’ that need to be weighed in planning committee members’ minds under section 70(2) of the Town and Country Planning Act 1970.</p>
<b>9.0</b>	<b>FINANCIAL IMPLICATIONS</b>
9.1	<p>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.</p>
<b>10.0</b>	<b>BACKGROUND</b>
10.1	<b>Relevant Planning Policies</b>
	<p>Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:</p> <p><b>Central Government Guidance:</b> National Planning Policy Framework</p> <p><b>Shropshire Council Core Strategy (February 2011):</b> CS2 : Shrewsbury Development Strategy CS5 : Countryside and Green Belt CS6 : Sustainable Design and Development Principles CS17 : Environmental Networks CS18 : Sustainable Water Management</p> <p><b>Site Allocations and Management Development Plan (December 2016):</b> MD2 : Sustainable Design</p>

	MD7b : General Management of Development in the Countryside MD12 : Natural Environment
10.2	<b>Relevant Planning History</b>
22/02001/EIA	- Erection of three additional poultry units with associated air scrubber units, control rooms, feed blending rooms, feed bins, hardstanding, dirty water tanks and a drainage attenuation pond, together with retrofitting an air scrubber unit to an existing poultry shed. Granted 9 <sup>th</sup> March 2023.
20/03120/FUL	- Construction of dirty water lagoon. Granted 8 <sup>th</sup> July 2021.
19/00403/PSPPA	- Application for prior approval under Part 14, Class J of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the installation of roof mounted solar panels. Prior Approval Not Required 22 <sup>nd</sup> March 2019.
18/04913/FUL	- Erection of general-purpose agricultural storage building. Granted 28 <sup>th</sup> November 2018.
18/03798/FUL	- Application under Section 73A of the Town and Country Planning Act 1990 for the erection of agricultural dwelling including the siting of a mobile home during construction (re-submission). Refused 24 <sup>th</sup> October 2018.
16/00943/FUL	- Erection of a secondary agricultural occupancy dwelling for a worker and a temporary dwelling available during construction of dwelling. Refused 12 <sup>th</sup> May 2016.
15/01921/EIA	- Erection of a poultry building, an expansion of the existing poultry business on site. Granted 20 <sup>th</sup> August 2015.
14/03641/FUL	- Erection of a farm managers dwelling and residential garage/annex. Granted 12 <sup>th</sup> February 2015.
15/01938/EIA	- Erection of a poultry building, an expansion of the existing poultry business on site. Granted 20 <sup>th</sup> August 2015.
15/01937/EIA	- Erection of a poultry building, an expansion of the existing poultry business on site. Granted 20 <sup>th</sup> August 2015.
13/04582/VAR	- Variation of Condition No. 2 attached to Planning Permission 12/04582/FUL for the construction of a building to house a biomass boiler and fuel store

		associated with a 150,000 broiler chicken unit (phase 4 of a 5 phase development) to relocate the building to house the biomass boilers to a more central position. Granted 13 <sup>th</sup> February 2014.
12/04582/FUL	-	Construction of a building to house a biomass boiler and fuel store associated with a 150,000 broiler chicken unit (phase 4 of a 5 phase development). Granted 7 <sup>th</sup> March 2013.
12/04581/EIA	-	Construction of a broiler chicken building to house 50,000 birds (Phase 3 of a 5 Phase development). Granted 7 <sup>th</sup> March 2013.
12/04580/EIA	-	Construction of a broiler chicken building to house 50,000 birds (Phase 2 of a 5 Phase development). Granted 7 <sup>th</sup> March 2013.
12/04574/EIA	-	Construction of a broiler chicken building to house 50,000 birds (Phase 1 of a 5 Phase development). Granted 7 <sup>th</sup> March 2013.
PREAPP/12/00049	-	Broiler Farm accommodating up to 300,000 broiler chickens, including the incorporation of an agricultural workers dwelling. Acceptable Development 24 <sup>th</sup> February 2012.
NS/06/02560/FUL	-	Erection of a two-storey dwelling with detached double garage in connection with the existing poultry business. Granted 10 <sup>th</sup> January 2007.
NS/02/00832/FUL	-	Siting of mobile home and installation of septic tank drainage system. Granted 2 <sup>nd</sup> April 2003.
NS/99/10588/FUL	-	Replacement of mobile home in connection with egg production units and installation of septic tank. Granted 10 <sup>th</sup> March 1999.
NS/96/00583/FUL	-	Proposed siting of mobile home in connection with proposed egg production units. Granted 31 <sup>st</sup> December 1996.
NS/96/00582/FUL	-	Erection of free-range egg production unit (17.1m x 53.375m x 4.3m high) Unit 2. Granted 30 <sup>th</sup> December 1996.
NS/96/00581/FUL	-	Erection of free-range egg production unit (17.1m x 53.375m x 4.3m high) Unit 1. Granted 30 <sup>th</sup> December 1996.
<b>11.0</b>	<b>ADDITIONAL INFORMATION</b>	

	List of Background Papers - Planning Application reference 24/02735/EIA
	Cabinet Member (Portfolio Holder) - Cllr Chris Schofield
	Local Member - Cllr Brian Williams
	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 planning permission 22/02001/EIA granted on the 9<sup>th</sup> March 2023.  
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. The proposed woodland landscaping belt shall be undertaken in accordance with drawing IPA1254-11 prior to the first occupation of the poultry houses hereby approved. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.  
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

5. Prior to first occupation / use of the buildings, the makes, models and locations of hedgehog, bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
  - A minimum of six external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species.
  - A minimum of six artificial nests, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design) and tits 26mm/32mm entrance hole).
  - A minimum of four hedgehog nesting boxes.The boxes shall be sited in suitable locations and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To provide enhancements for biodiversity in accordance with MD12, CS17 and section 174 of the NPPF.

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

Reason: To ensure a satisfactory appearance of the development.

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

7. No more than 112,575 birds shall be kept in the buildings hereby approved at any one time. The Broiler unit as a whole at Meadowlands Poultry Ltd, Meadowlands, Sleaf, SY4 3HE shall house no more than 363,795 birds at any one time. Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to local planning authority on request.

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

8. (a) All manure arising from the poultry buildings hereby permitted shall be taken off site to an anaerobic digester or other suitable disposal or management facility. Manure shall not be exported from the site unless in covered vehicles.  
(b) Records of the destination of each load of manure arising from the poultry buildings hereby permitted shall be made and these shall be made available to the local planning authority on request.

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

## AGENDA ITEM



Committee and date

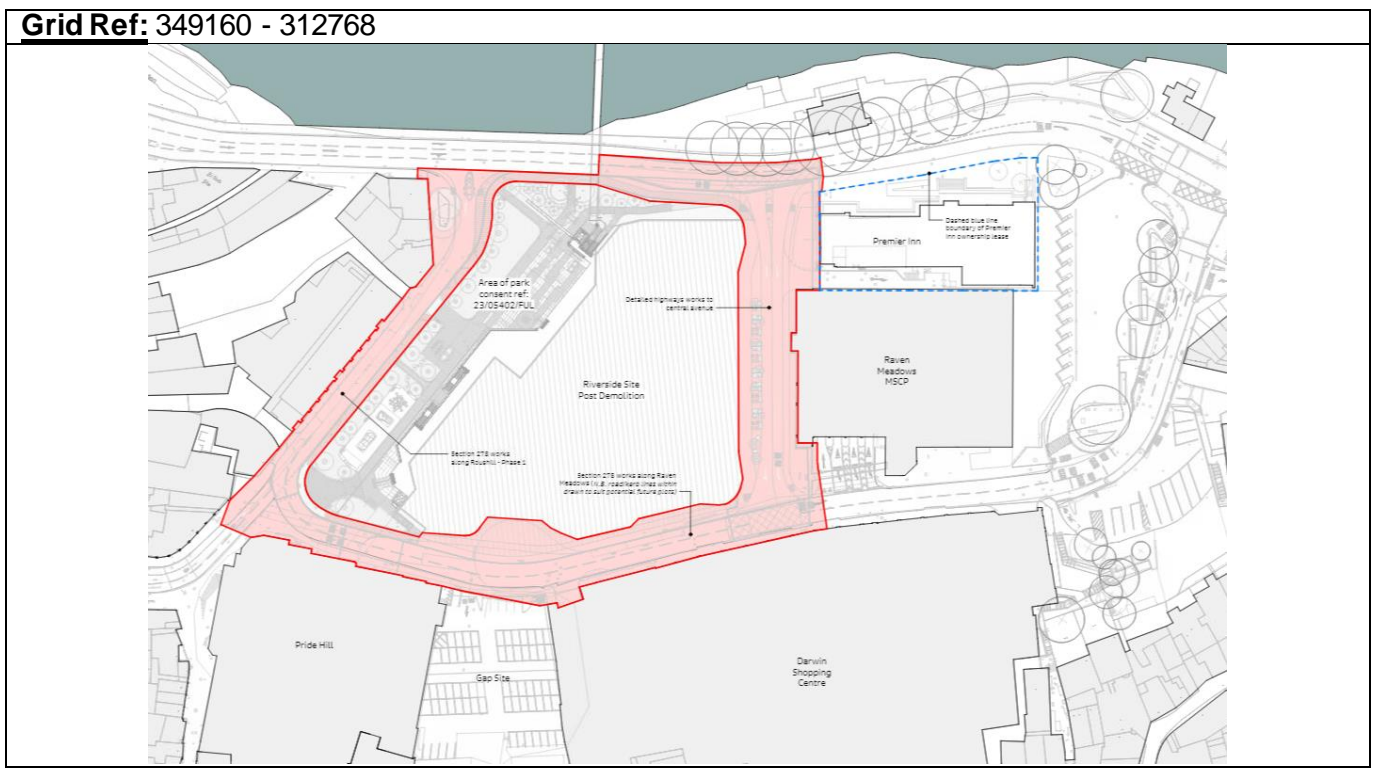
Northern Planning Committee - 18th February 2025

### Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

#### Summary of Application

<b>Application Number:</b> 24/04035/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Construction of a new two way road, junction arrangements at Smithfield Road and Raven Meadows, re-located bus lay-by on Smithfield Road, landscape works, servicing arrangements and associated highway works		
<b>Site Address:</b> Riverside Mall, Pride Hill Centre, Pride Hill, Shrewsbury, Shropshire, SY1 1PH		
<b>Applicant:</b> Shropshire Council C/O BNP Paribas Real Estate		
<b>Case Officer:</b> Ollie Thomas	<b>email:</b> <a href="mailto:ollie.thomas@shropshire.gov.uk">ollie.thomas@shropshire.gov.uk</a>	



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**Recommendation:- To grant planning permission subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application is seeking full planning permission for highway works surrounding the former Riverside Shopping Centre in Shrewsbury town centre, to include:

- Construction of a new two-way road;
- Junction arrangements at Smithfield Road and Raven Meadows;
- Re-located bus layby on Smithfield Road;
- Landscape works;
- Servicing arrangements; and
- Associated highway works.

The proposed highway works will support the wider regeneration and redevelopment of Smithfield Riverside, forming a strategically important part of the wider illustrative Masterplan. The new link road is considered a key section of enabling infrastructure, creating an access road to allow servicing vehicles, buses and cars into the wider re-developed Smithfield Riverside site, in-lieu of Roushill.

1.2 The highways proposals have been designed to reduce the volume of traffic movements along Roushill, thereby enabling the delivery of an improved pedestrian and landscape (public realm) environment, to support the recently approved (and under construction) public park. A new road, 'the Avenue', is proposed to accommodate traffic that currently uses Roushill to access Raven Meadows. This in turn would enable the western end of Raven Meadows to be closed as a through-route to general traffic and for Roushill to be downgraded to a local access route with low traffic flows, used for local access and servicing properties along Roushill itself, Mardol and Claremont Street.

1.3 The Avenue is proposed to provide a highway connection between Smithfield Road to the north and Raven Meadows to the south. The new road will be constructed along the alignment of the existing Premier Inn access road which currently extends north from Raven Meadows. The Avenue will be a 2-lane single carriageway and would be implemented in two stages to align with the phased delivery of the wider redevelopment works:

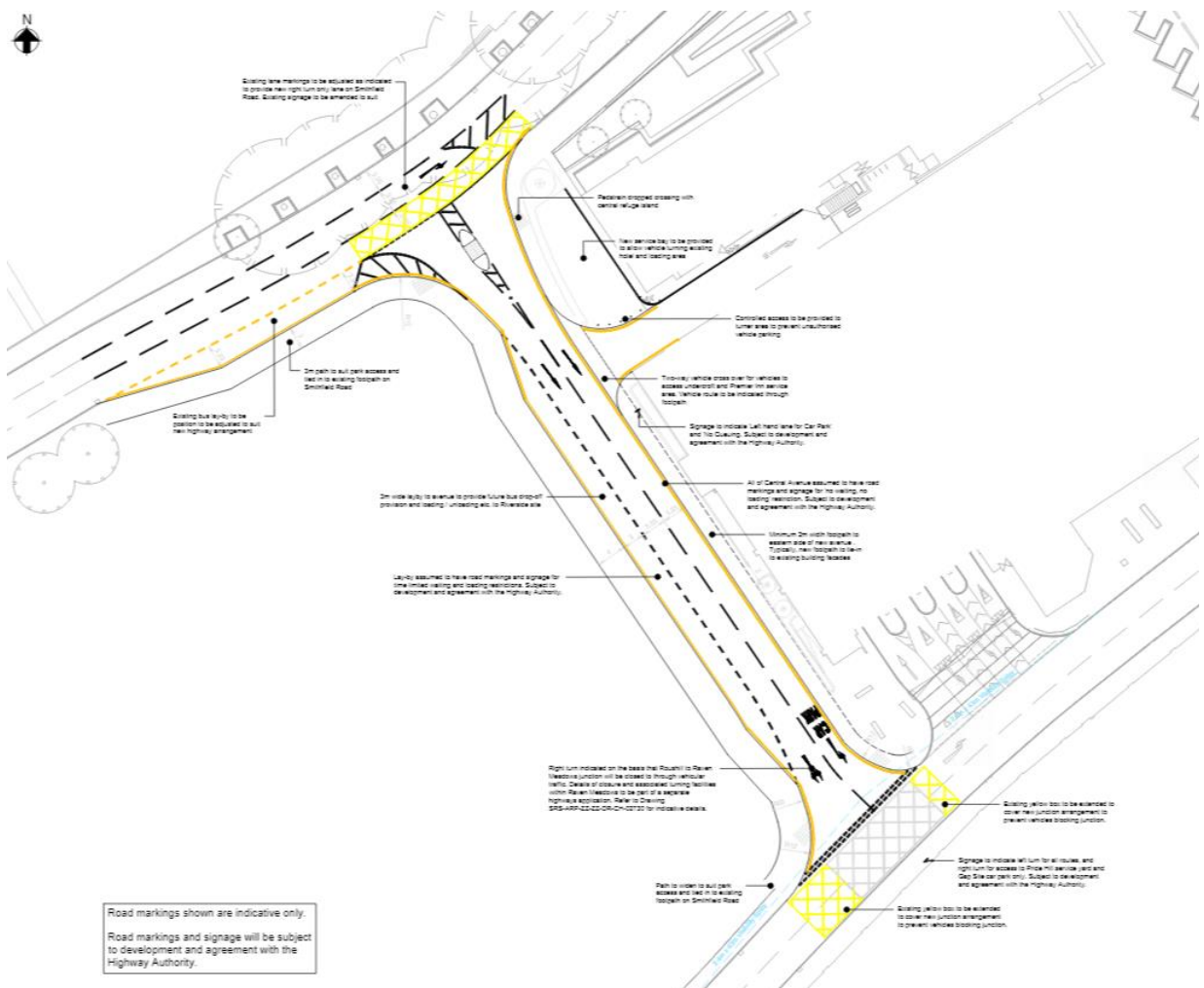
- **Interim stage** – the Avenue will operate in a one-way southbound direction only, to enable the separation of vehicles accessing the multi-storey car park from buses and general traffic.



- **End stage** – to operate in a two-way direction to support other town-centre highway improvement schemes: relocation of the bus station to rail station (with residual bus stops along the Avenue); and the construction of the North West Relief Road which would reduce town centre traffic.

It is the interim stage which is being sought permission through this planning application, nonetheless, the Avenue has been designed to accommodate vehicle manoeuvres up to and including 16.5m articulated HGVs, including 4m and 2m wide pedestrian footways along the west and east sides to improve non-motorised user connectivity between Smithfield Road and Raven Meadow.

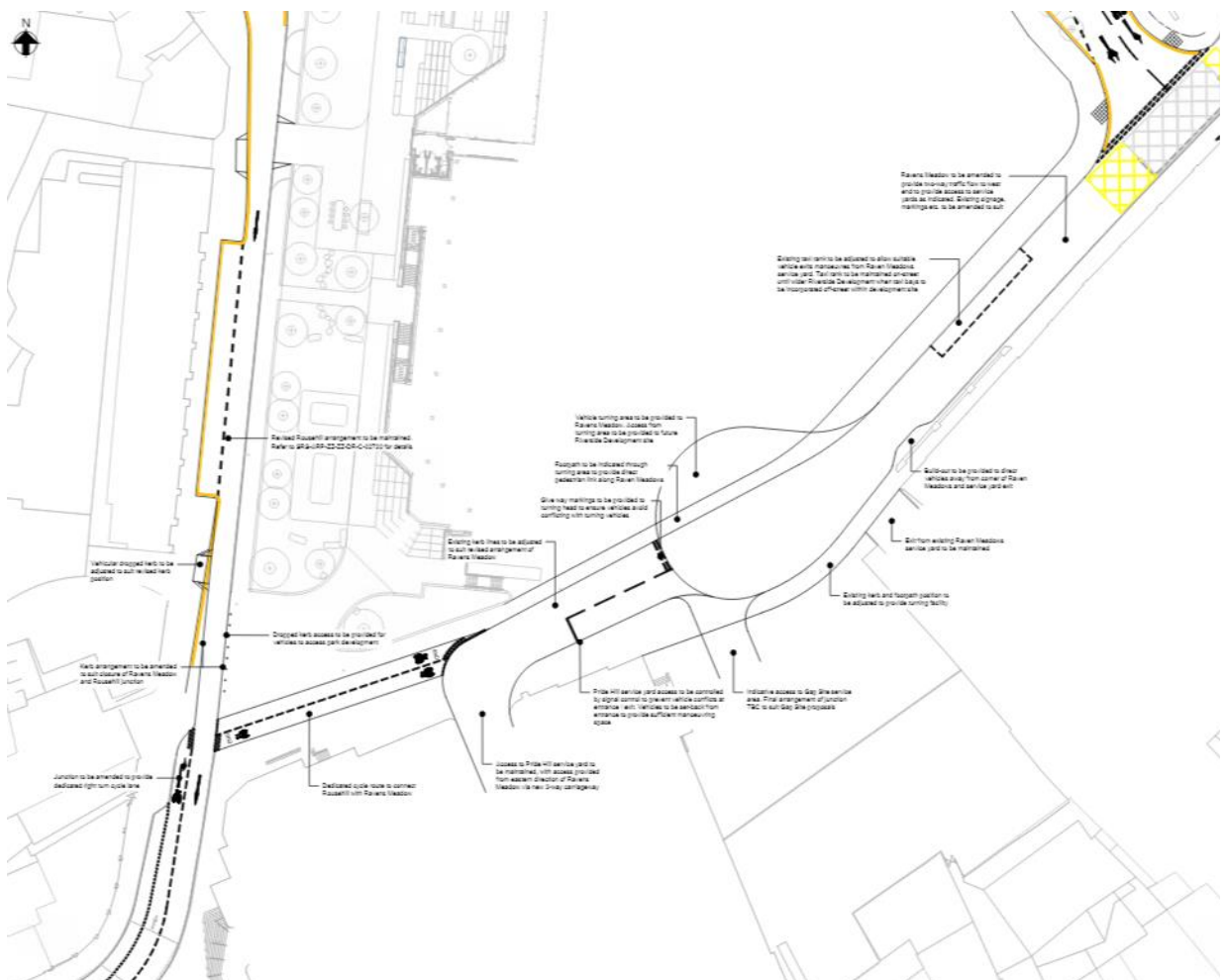
The end stage works to the Avenue would be undertaken by Shropshire Council as Local Highways Authority and their statutory powers – therefore not needing any further planning permission.



1.4 Raven Meadows is being proposed to close the western end to traffic between the junction with Roushill and Pride Hill service bay entrance, to provide an improved

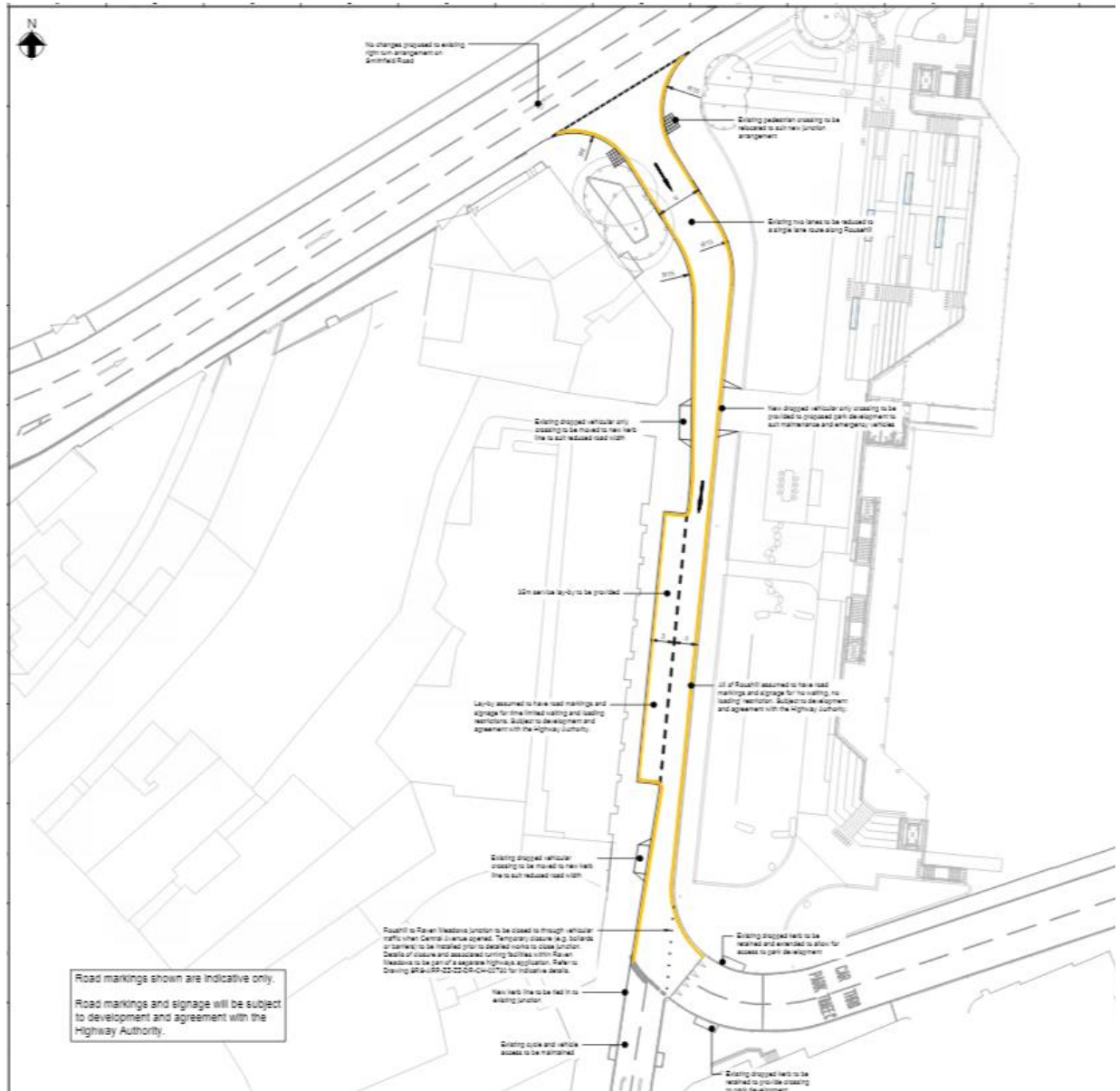
area of public realm and facilitate improved pedestrian connectivity between the town centre and Riverside. In order to maintain the existing delivery and servicing activities at the Pride Hill servicing area and the operation of the Gap Site car park, the section of Raven Meadows to the west of the proposed Avenue will be converted to a two-way road, up to the Pride Hill service yard. A turning head will be provided to allow the eastern section of Raven Meadows as being the egress route, via the Avenue.

As part of these works, the existing northbound contraflow cycle lane on Roushill between Raven Meadows and Mardol would be amended to guide cyclists through the reconfigured area at the western end of Raven Meadow. Cyclists could continue on-carriageway along Raven Meadow or make use of the existing shared footway/cycleway along the southern side of the carriageway.



- 1.5 Roushill will be closed to vehicular traffic at the western end of Roushill, enabling it to be downgraded for use as a local servicing and access, as a one-way southbound road. The resultant traffic demand along Roushill would be significantly reduced and would only serve traffic heading for Mardol and Claremont Street. All of

vehicular traffic accessing Raven Meadows multi-storey car park, the Gap Site car park and Pride Hill/Darwin Centre service yards would instead use the new Avenue. As a result of the decreased traffic demand, the entrance to Roushill from Smithfield Road will be narrowed, providing an increased area of public realm and in-turn reducing east-west pedestrian crossing distances across the junction bell-mouth.



## 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site concerns the southern part of Smithfield Road between the Frankwell footbridge and the Venue 7 bar, land to the west of Premier Inn, the service road to the rear of Premier Inn (west of Raven Meadows multi-storey car

park), the western section of Raven Meadows between Roushill and the junction of the service road, and Roushill from Smithfield Road to immediately south of the junction of Raven Meadows.

2.2 The red line boundary encircles the site of the former Riverside Shopping Centre and is made up of existing highway infrastructure land and associated services and facilities (pedestrian footways, cycleways and street furniture).

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation', given the application has been submitted by Shropshire Council to itself which also acts as the Local Planning Authority. The application is therefore presented to Planning Committee for determination.

### **4.0 Community Representations**

The below section provides a summary of representations received during the consultation/publicity period, comments can be viewed in full on the online planning register, using the application reference.

#### **4.1 Consultee Comment**

##### **4.1.1 SC Highways – No objections subject to conditions**

The function of Roushill leading into Mardol will function very differently to its current use, which, at present, concentrates all traffic/servicing movements into Raven Meadows and Mardol and the scheme to introduce the new 'Avenue Road', which will serve the multi-storey car park and redevelopment of the Riverside development and servicing being maintained. The scheme enables the enhancement of the pedestrian desire line between the Riverside redevelopment and Roushill, connecting into Mardol and in acknowledgement of the potential reduction in traffic flows that currently use this route.

The proposals are supported by the submission of various documents and engineering details, which would be the subject of further scrutiny as part of standard Section 38/278 technical checks. Whilst it is acknowledged that this is a Council-led project and cannot therefore be dealt with under a formal Section 38/278 legal agreement, the technical checks will be carried out in the usual manner and due diligence.

##### **4.1.2 SC SuDS – No objection**

No comments made, subject to informative in relation to drainage survey investigation and connection agreements.

## 4.1.3 **SC Green Infrastructure – No objection subject to conditions**

The soft landscaping strategy provided in the Design and Access Statement ('DAS') looks positive. The appearance of the planting is coordinated and there is seasonal interest with winter flowering species included in the list. We would expect to see the detailed planting plans provided based on the species stated in the DAS. We would also advise the planting character has similarities to planting that will be used elsewhere in the masterplan to ensure design continuity.

Recommend conditions in relation to the details of the planter specification and hard landscaping, alongside detailed landscape proposals.

## 4.1.4 **SC Conservation – No objection**

The findings of the Heritage Statement, and the proposals impact on heritage assets identified, raises no heritage objections.

## 4.1.5 **SC Ecology – No objection subject to conditions**

It has been agreed that the mandatory biodiversity net gain will be addressed at the submission of Application 2 (for the redevelopment of the former Shopping Centre), due to this Application 2 covering the red-line boundary that concerns this application.

The Ecological Impact Assessment ('EcIA') reviewed the site, which has previously been cleared under planning permission 23/05402/FUL and is therefore of limited ecological value to protected or notable species on site.

The EcIA assessed the potential impacts to nearby designated sites and concluded that the development may create negative indirect impacts. As a result, a Construction Environmental Management Plan will be designed and strictly followed to negate these impacts (secured via condition).

Any external lighting to be installed on site should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area.

## 4.1.6 **SC Archaeology – No objection subject to conditions**

It is considered that there is high potential for the remains of Roushill Wall to survive at an unknown depth beneath the existing ground level on Roushill, near to the junction with Smithfield Road, and below Smithfield Road. It is therefore possible that remains of the wall could be encountered during the proposed works to reconfigure the highway arrangements at these locations. Likewise, there is also some potential for remains of the medieval town ditch and Roushill Gate to be present at an unknown depth beneath the present ground surface at the southern end of Roushill.

However, it is considered unlikely that any remains of the 18-19<sup>th</sup> Century buildings will be encountered during the proposed highways works along the Raven Meadows or on the line of the Avenue.

Officers concern with the recommendation contained in the Archaeology Statement that a programme of archaeological works should be made a condition of any planning permission for the proposed development. This programme of works should comprise an archaeological watching brief, to be maintained during the works at the northern and southern ends of Roushill and on Smithfield Road.

#### 4.1.7 **SC Regulatory Services (Air Quality and Noise) – No objection subject to conditions**

The proposed development is not anticipated to generate traffic but will result in a redistribution of traffic from Roushill onto the new avenue. As the traffic is moved further from the residential receptors on Roushill this results in a slight improvement in air quality in this area. There is a small increase in air pollution at residential receptors along Severn Terrace.

The reduction in traffic on Roushill will also have a beneficial impact on noise levels and is predicted to result in a decrease in traffic noise of 5.5dB. The additional traffic at other receptors is predicted to have a negligible adverse impact on noise levels.

The exact use of the land and design of the buildings to the west of the Avenue is not known at this stage. The buildings located to the west of the Avenue will impact on the dispersion of pollution from vehicle movements along the Avenue. Therefore, additional assessment and modelling will be required during these future stages. If residential development is proposed along the Avenue, consideration will need to be given to the air quality and noise impacts on such uses.

The air quality and noise assessments identify measures required to minimise the impact of construction noise and dust, these measures should be included in a site specific CEMP.

#### 4.1.8 **Shropshire Fire and Rescue – No objections**

It will be necessary to provide adequate access for emergency fire vehicles, both throughout the planned highway works and during the later construction phases. There should be sufficient access for fire service vehicles to within 45 metres of every point on the buildings projected plan areas or a percentage of building perimeters, whichever is less onerous.

This issue will be dealt with at the Building Regulations stage of the development, although it is vital that this guidance is adhered to when considering access to

existing buildings.

#### 4.1.9 **Environment Agency (EA) – No objection subject to conditions (28<sup>th</sup> November 2024)**

##### Flood Risk

The proposed highway works fall within Flood Zone (FZ) 3 of the River Severn and therefore have a high risk of fluvial flooding. Given the scale and nature of the works, no formal Flood Risk Assessment (FRA) has been submitted.

Based on the information submitted in the Drainage Strategy the EA are satisfied with the statement that there will be no impacts in terms of flood risk either by reducing flood storage capacity or impeding existing flood flow routes given the ground levels will remain predominantly as existing.

It is requested that a more detailed assessment of flood depths and hazards ratings within the development boundary is provided. This will aid in the provision of trigger levels for the management of road closures/bus routing etc in a flood event.

##### Land Contamination

We previously commented on the submitted contamination documents in respect of the discharge of Condition 12 pursuant to planning permission 23/05402/FUL (ref: 24/03440/DIS). We have no further comment to make in relation to land contamination.

## **4.2 Public Comments**

### **4.2.1 Shrewsbury Town Council – Neither object nor support (neutral)**

Whilst the Town Council have no objection, Members do have concern as there seems to be a lack of facilities for cyclists.

### **4.2.2 Shrewsbury Civic Society – Neither object nor support (neutral)**

The Shrewsbury Civic Society, provided neutral comments on the planning application for the construction of a new two-way road and associated works at Riverside Mall, Pride Hill Centre. They welcomed the application, highlighting the positive aspects such as the reordering and enhancement of the bus station area, the reduction of traffic risk to pedestrians, and the improved urban design with wider pavements. However, they expressed concerns about the lack of detailed landscaping plans, particularly the paucity of trees due to the multi-storey car park, and the provision of safe routes for cyclists. They suggested that future applications should address these issues to ensure the new road lives up to its ambitious name

and provides good connectivity for pedestrians and cyclists.

4.2.3 The application was publicised by way of site notice on the 1<sup>st</sup> November 2024. At the time of the application being heard at planning committee, a single representation from members of the public have been received. This representation was objecting to the proposed development and is summarised as follows:

- A lack of facilities for cyclists.

## 5.0 THE MAIN ISSUES

The impact of the proposed highway works on highway safety and environmental conditions (human health and natural/historic environment) surrounding the site.

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 In accordance with adopted planning policy, Shrewsbury will provide the main focus for development, acting as sub-regional centre and in recognition of its role as Shropshire's growth point. To this end, SAMDev Policy S16 identifies the 'Heart of Shrewsbury' as one of two key areas of change. The proposed development lies wholly within this area of change, to which it is stated that development proposals must have regard to the following relevant criteria:

- i) Renewing areas of relatively poor environmental and greater potential, notably at Riverside, West End, Frankwell, Abbey Foregate and Castle Foregate;
- ii) Reducing the impact of traffic and congestion in key areas, notably High Street/West End, Castle Street, Smithfield Road, Frankwell, Abbey Foregate and Castle Foregate;
- iii) Ensuring strong, high quality public realm and links between spaces, particularly walking routes;
- v) Enhancing the role of the river and access to it;
- vii) Celebrating gateways and arrival points.

6.1.2 In delivering development that meets the criteria above, the 'Heart' of Shrewsbury can be enhanced whereby proposals incorporate approaches to access, parking and movement which support the integrated and sustainable transport strategy for Shrewsbury. The proposed highway works will deliver long-term benefits, through:

- Reducing the traffic impact on Smithfield Road;



- Providing further high quality public realm and new routes through to Pride Hill;
- Enhancing and promoting pedestrian connectivity from Pride Hill, Mardol and Riverside.

6.1.3 The Shrewsbury Big Town Plan (adopted 2018) was established as a framework to shape the evolution of the town, through delivering four key principles:

- Rethinking movement and place;
- Supporting, creating and nurturing vitality, life and a mix of uses;
- Creating a place for enterprise;
- Nurturing natural Shrewsbury.

As part of this and under the objective of 'Making Movement Better', the SBTPs aim is to significantly reduce through-traffic in the town centre, with Smithfield Road identified for redirecting traffic to Raven Meadows, turning into a pedestrian priority promenade. The proposed development is the first key step in recognising this ambition.

6.1.4 The wider Smithfield Riverside redevelopment is identified as a key step in the delivery of the SBTP. The Smithfield Riverside Strategic Development Framework (2021) further defines the SBTP vision and provides a masterplan framework for the redevelopment of the Smithfield Riverside site around the following placemaking and design principles:

- Movement and access
- Use and activity
- Spaces and streets
- Environment and climate.
- 

6.1.5 The principle of development, for the construction of a reorganised and realigned highway network in Shrewsbury town centre is therefore established and supported, due to the proposed improvements to traffic flow, pedestrian/cyclist provision, public realm and in supporting the wider regeneration of a key area of change.

## **6.2 The Impact on Highways and Transport**

6.2.1 Core Strategy Policies CS6 and CS7, along with SAMDev Policies MD2 and MD8 require proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised

6.2.2 The accompanying Transport Assessment (Arup, October 2014) provides that the construction of the Avenue will take place over a five-month period and will commence following the completion of the demolition and construction activities associated with the package of works granted under planning application ref: 24/03681/VAR. During this time, two-way vehicle movements are forecast to 15 daily

light vehicle movements and two-daily heavy vehicle movements, with the forecast peak hour demand equating to a maximum of one light and one heavy during the morning peak and two lights during the evening peak.

- 6.2.3 The proposed development does not result in any new buildings or structures and is therefore regarded as not generating or attracting any news trips once operational. However, it will alter the distribution of traffic as travelling from Smithfield Road to Raven Meadows will use the new Avenue, instead of Roushill.
- 6.2.4 The new Avenues connection onto Smithfield Road, in conjunction with the closure of the access into Raven Meadows from Roushill, will result in a relatively minor impact to traffic routing within the immediate vicinity. However, the highways works have been designed such that the proposed junctions are suitably laid out to accommodate the reassigned traffic without having any impact on the highway network or resulting in queuing traffic.
- 6.2.5 In conclusion, the proposed new Avenue will not generate any additional traffic, and the junction analysis has demonstrated that the re-routing of traffic as a result of closing the western end of Raven Meadows does not result in any significant adverse effects at the junctions of the Avenue with Smithfield Road and Raven Meadows. The proposed development, as a phase of enabling works, will support the comprehensive masterplan vision for Smithfield Riverside, whilst the proposed highway layout is designed to accommodate the longer-term aspirations of the SBTP. In addition, the proposal will realise a number of movement and connectivity benefits through increased pedestrian and cycling accessibility and enhancements to the public realm and functionality of the town centres linkages to the river front.
- 6.2.6 Comments have been received in regard to the perceived lack of cyclist infrastructure; however, the applicants have confirmed that the proposed development has been designed to accommodate several different movements (motorised vehicles, non-motorised vehicles and pedestrians), whereby the resultant highway layout has been designed to tie into existing infrastructure to provide a continuation of the existing shared use route which runs along the southern side of Smithfield Road. The proposed development is therefore considered to connect into and be consistent with the existing walking and cycling facilities, whilst providing improvements at Roushill/Raven Meadows as already mentioned.

## **6.3 Amenity and Health Impacts**

### **6.3.1 Air Quality**

The application site lies within the Air Quality Management Area (AQMA) 3, which extends to a large part of the northern town centre within the river loop and out towards Frankwell and the gyratory system near the railway station. The AQMA was designated as a result of exceedance of the annual mean NO<sub>2</sub> standard; however, recent monitoring data shows no exceedances in 2023.

As a result of the AQMA and the proposed highway works, the application is supported by an Air Quality Assessment (Ove Arup & Partners Ltd, October 2024) to assess the potential changes to the construction and operation phases of the development, whilst setting out any necessary mitigation required.

- Construction Assessment

The assessment evaluates the potential dust impacts from demolition, earthworks, construction and trackout activities. The risk of dust soiling during the demolition stage is predicted to be medium, while the risk to human health is negligible. Mitigation measures include dust suppression techniques and site management practices, which will be secured through condition via a Construction and Environmental Management Plan.

- Operational Assessment

The assessment examines the impact of redistributed traffic on local air quality. The results show that negligible changes in pollutant concentrations and sensitive receptors is predicted. However, the maximum predicted concentrations remain below the relevant air quality standards, in-part due to the proposed works not anticipated to generate any additional traffic, only redistributing existing traffic flows.

Overall, it is considered that there would not significant effects on local air quality as a result of the proposed development. The Councils Environmental Protection Officer have raised no objections subject to a planning condition requiring a Construction and Environmental Management Plan.

### 6.3.2 Noise and Vibration

Due to the proposed works being the construction of major highway infrastructure in a town centre location and located close to existing neighbouring buildings, the proposal has the potential to create additional noise – either through construction and/or operation -, and adversely impact upon nearby sensitive receptors (i.e. residents of surrounding buildings). As a result, the application is accompanied by a Noise and Vibration Assessment (Ove Arup & Partners, October 2024), to assess the likely significant effects of noise and vibration from the construction and operation of the new highway infrastructure.

Baseline noise surveys were conducted at various locations around the application site, to establish existing noise level and representative of the surrounding sensitive receptors. The assessment of likely significant effects:

- Construction Noise

Predicted construction noise levels were compared to baseline ambient noise levels, which found that the construction noise would generally be below the threshold for significant effects, except for short durations at specific locations.

- Construction Vibration

Vibration levels from construction activities would be below the threshold for building damage and would not constitute a significant adverse effect based on the likely hours of planned construction and any temporary exceedances would be short.

- Construction Traffic Noise

The additional traffic generated by construction activities would result in a negligible increase in overall traffic noise levels and therefore, no significant adverse effect identified.

- Operation Traffic Noise

The operation phase assessment compared predicted traffic noise levels with and without the proposed development. The results indicate a major beneficial impact due to the reduced traffic on Roushill, with no significant adverse effects on other road links as a result of no high sensitivity receptors in the vicinity of the Avenue (the Premier Inn is considered to be medium sensitivity).

In conclusion, the traffic impacts on the development, once operational, would be improved along Roushill, whilst being negligible on all other routes. The proposed development will therefore not result in adverse effects to sensitive receptors.

## 6.4 Heritage and Archaeology Impacts

6.4.1 Core Strategy Policy CS16 and SAMDev Plan Policy MD13 seek to protect, conserve, enhance and restore Shropshire's heritage assets, through avoiding harm or loss of significance to designated and non-designated assets, including their settings.

6.4.2 The accompanying Heritage Statement (Turley, October 2024) duly notes that the application site lies within the town centre Conservation Area and is close to a number of listed buildings, with a Scheduled Ancient Monument (SAM) located at such a distance that the proposed development has the potential to affect its significance and setting.

6.4.3 There are no statutorily listed assets or SAMs within the application site boundary.

6.4.4 Heritage Assets

## 6.4.5 • **Conservation Area**

This covers a large area of varying sensitivity and significance. The application site is not considered to be part of the Conservation Area that is sensitive to change due to its previous, extensive phases of alteration and development. The proposed development is therefore considered has having no impact on the special character or appearance of the Conservation Area and its significance would be sustained, in-part by virtue of the proposed works relating to ground works and highways infrastructure, which will have a similar appearance to the current arrangement.

## 6.4.6 • **Length of Medieval Town Wall, Sally Port and Interval Tower (the SAM)**

The SAM forms part of the rear wall to numbers 10-12 Pride Hill (which are separately Grade II listed), with the vast majority of its significance lying in its fabric. The SAM can be appreciated from within the Gap car park when facing southwards and the part of Roushill directly opposite the car park. The proposed development, whilst forming part of the physical surroundings and setting, it does not contribute to its significance and therefore, the proposed development would have no impact on the setting of the SAM and its significance would be sustained.

## 6.4.7 • **Listed Buildings and Non-Designated Heritage Assets**

There are a number of buildings along Pride Hill (nos. 10, 11, 12, 13 and 14) and Mardol (nos. 63 and 67) which are listed assets, along with The Salopian Public House along Smithfield Road which is considered a non-designated heritage assets. Whilst the application site has a degree of physical relationship with these assets, in that the assets can be viewed and appreciated from along the highway network. The proposed development is regarded as having no impact on their setting, with their significance sustained, by virtue of previous modern extensions in direct line of sight, or a lack of visual connection and/or historical association with the application site (a highway).

## 6.4.8 Archaeology

6.4.9 Whilst there are no designated archaeological assets located within the application, there is previously identified potential for remains within the site boundary, covering marshland deposits pre-dating the post-medieval period, the alignment of the medieval town wall, gate, ditch and historic Roushill, and the 17<sup>th</sup> Century Civil War defences and more modern 19<sup>th</sup> /20<sup>th</sup> century building remains.

6.4.10 The proposed development has the potential to encounter remains associated with the identified heritage assets, as a result a condition will be imposed requiring all construction works to be completed under a watching brief and to record any associated remains which may be encountered. This will be delivered through a Written Scheme of Investigation.

## 6.5 Ecology and Biodiversity

- 6.5.1 Core Strategy Policy CS17 and SAMDev Plan Policy MD12 seek the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration, through the protection, enhancement and connection of assets to create a multifunctional network of resources.
- 6.5.2 The application is accompanied by an Ecological Impact Assessment (EcIA) (Waterman, October 2024) to provide an evaluation of the importance of ecological features present and assesses the potential effects that the proposed development may have on any identified features. The EcIA is based on the finding of the Preliminary Ecological Appraisal (Waterman, 2024) which accompanied an earlier application for the wider redevelopment site area.
- 6.5.3 The following ecological assets are located close to the application site:

### Statutory Designated Sites

- Rea Brook Valley LNR: 1.1 km east
- Old River Bed, Shrewsbury SSSI: 1.6 km north
- Hencott Pool SSSI: 3.1 km north
- Bomere, Shomere and Betton Pools SSSI: 4.4 km south
- Berrington Pool, Shropshire SSSI: 6.3 km south

### Non-Statutory Designated Sites

- River Severn (Montford - Shrewsbury) LWS: 0.007 km north
- Longden Road Cemetery LWS: 1.8 km south
- Old River Bed S'bury (Non SSSI - Hencott Section) LWS: 2 km north
- River Severn (Shrewsbury to Emstrey) LWS: 1.2 km east

### Notable Habitats

- Open Mosaic Habitat on Previously Developed Land: 0.7 km north
- Deciduous Woodland: 0.3 km east
- Woodpasture and Parkland: 0.4 km west
- Rivers: 0.07 km north
- Lowland Fens: 1.8 km north
- Purple Moor Grass and Rush Pastures: 1.2 km north

The following legally protected or otherwise notable species of flora and fauna were identified within 2km of the application suite boundary (no species have the potential to be present on site):

- **Birds:** House Sparrow, Kingfisher, Peregrine Falcon

- **Bats:** Daubenton's Bat, Common Pipistrelle, Soprano Pipistrelle
- **Invertebrates:** Small Square-spot, Ghost Moth, Dusky Thorn, Small Emerald, Wood White, Rustic
- **Mammals:** Otter

6.5.4 Given that at the time of making this application, the wider Riverside Shopping Centre has been demolished and this application concerning highway infrastructure and associated works only, the application site is considered to have negligible value for notable and legally protected species. However, due to the River Severn lying 7m to the north of the site and its ecological assets, the proposed development could result in indirect impacts, including *inter alia* pollution events, artificial lighting, dust/disturbance. However, it is considered that all indirect impacts can be suitably mitigated through the imposition of a planning condition requiring the demolition/construction works to be completed in accordance with a prior agreed Construction and Environment Management Plan.

6.5.5 Subject to the specified mitigation it is considered that the proposed development and its residual effects are not significant, and the proposal complies with adopted planning policy.

6.5.6 Due to the proposed development concerning highway and associated infrastructure, no/limited vegetation is being impacted as part of the works. As a result the biodiversity net gain (BNG) de-minimis exemption applies. Furthermore, BNG is being considered as part of the wider redevelopment works as part of the current EIA application – therefore BNG is not considered any further under this application to avoid double counting.

## 6.6 Flooding and Drainage

6.6.1 The application site lies within Flood Zone 3 of the River Severn and is therefore considered as having a high risk from fluvial flooding.

6.6.2 The Drainage Strategy proposed for this development has already been considered by the LPA and the Environment Agency under the previous planning application that sought the demolition of the existing buildings/structures and creation of a new park and public realm. The proposed works do not comprise any significant change in ground levels or substantially alter any existing flow paths. As a result, it is considered that the proposed development will not affect fluvial flood risk to people or property within or outside of the site.

6.6.3 The EA have confirmed that they consider there to be no impact in terms of flood risk as a result of the proposed development. The highway works will not reduce flood storage capacity or impede existing flood flow routes given the ground levels will remain predominantly as existing.

## 7.0 CONCLUSION

- 7.1 The proposed highway works surrounding the former Riverside Shopping Centre are a crucial component of the wider masterplan redevelopment proposals, which are designed with the aim to enhance traffic flow, pedestrian connectivity and improve the surrounding public realm. The proposed Avenue will act as a key access route that will significantly reduce traffic flows along Roushill, thereby supporting the strategic objectives of the Smithfield Riverside Masterplan and the aims of the Big Town Plan.
- 7.2 The proposed development will deliver long-term benefits through reducing traffic congestion, whilst ensuring that the environmental conditions surrounding the site, and to sensitive receptors, are not worsened.
- 7.3 The proposal complies with all relevant adopted local and national planning policies and aligns with adopted Development Plan Documents, such that it is recommended planning permission is **GRANTED** subject to the conditions set out below.

## 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.

### **10.0 Artificial Intelligence (AI)**

AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.

### **11.0 Background**

#### Relevant Planning Policies

#### **Core Strategy and Saved Policies:**

- CS1 - Strategic Approach
- CS2 - Shrewsbury Development Strategy
- CS6 - Sustainable Design and Development Principles
- CS7 - Communications and Transport
- CS15 - Town and Rural Centres
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management

MD2 - Sustainable Design  
MD8 - Infrastructure Provision  
MD12 - Natural Environment  
MD13 - Historic Environment  
Settlement: S16 - Shrewsbury

## National Planning Policy Framework

### RELEVANT PLANNING HISTORY:

PREAPP/11/01119 Proposed redevelopment of existing Shopping Centre **Acceptable In Principle** 7th June 2011

23/02123/FUL Building clearance, asbestos removal and partial demolition of Units 2, Units 44-48, and the pedestrian walkway canopy to make access for a geo-environmental ground investigation **GRANT** 31st July 2023

23/04914/SCR Screening Opinion for demolition of the Riverside Shopping Centre, walkways/bridges between the centre, Raven Meadows car park and Pride Hill Shopping Centre and enabling works to facilitate future development **EIA Not Required** 5th December 2023

23/05402/FUL 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. **GRANT** 22nd March 2024

24/02204/DIS Discharge of conditions 4 (demolition management plan), 5 (construction management plan), 9 (surface water pre-demolition) and 19 (hoarding details) relating to Planning Permission 23/05402/FUL **Discharge Approved** 16th August 2024

24/02508/DIS Discharge of conditions 8 (tree protection and arboricultural method statement) and 11 (flood warning and evacuation plan) relating to planning permission 23/05402/FUL **Discharge Approved** 19th July 2024

24/02631/DIS Discharge of Condition 3 (Written Scheme of Investigation) relating to Planning Permission 23/05402/FUL **Discharge Part-Approved** 19th July 2024

24/02993/DIS Discharge of condition 7 (habitat management plan) relating to Planning Permission 23/05402/FUL **Discharge Approved** 2nd August 2024

24/03134/SCR Request for EIA screening opinion is made in support of an application under Section 73 of the Town & Country Planning Act 1990 to amend the previously consented scheme (ref. 23/05402/FUL). **EIA Not Required** 13th September 2024

# AGENDA ITEM

Riverside Mall Pride Hill  
Centre

24/03440/DIS Discharge of Condition 12 (Contamination) relating to Planning Permission  
23/05402/FUL **Discharge Approved** 11th October 2024

24/03681/VAR Variation of condition no.2 (approved drawings) attached to planning permission  
23/05402/FUL (as amended by 24/03682/AMP) **GRANT** 21st November 2024

24/03682/AMP Non material amendment to amend the proposal description to allow for the  
provision of public toilets relating to Planning Permission 23/05402/FUL **GRANT** 21st  
November 2024

24/04166/DIS Discharge of Condition 3 (Archaeological Mitigation Strategy) of planning  
permission 23/05402/FUL **Discharge Part-Approved** 6th November 2024

24/04476/EIA Outline planning permission (to include access) for the comprehensive mixed  
use redevelopment of the site comprising: Construction of a podium with undercroft car and  
cycle parking and ancillary uses, Creation of three plots on top of the podium - Plot 3 for office  
(Class E(g)(i)), hotel (Class C1) or residential (Class C3) and medical practice (Class E(e)) with  
associated ground (podium) level food and beverage retail (Class E(a)(b)(c)), Plot 5 for office,  
hotel or residential with associated ground (podium) level food and beverage retail, Plot 6 for  
residential, construction of a new road between Smithfield Road and Raven Meadows 'the  
Avenue', meanwhile uses, creation of new public realm and landscaping at ground and podium  
level, plant, servicing and other associated enabling and ancillary works. **Pending  
Consideration**

## 12.0 Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SLM7IJTDL5000>

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 Nat Green
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

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

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

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

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. (a) No development approved by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved by the local Planning Authority in writing. The submitted details shall include post-fieldwork reporting and appropriate publication.

(b) The approved programme of archaeological work set out in the written scheme of investigation shall be implemented in full and a report provided to the local planning authority prior to first use or occupancy of the development. The report shall include post fieldwork assessments and analyses that have been completed in accordance with the approved written scheme of investigation. This shall include evidence that the publication and dissemination of the results and archive deposition has been secured.

Reason: The site is known to hold archaeological interest.

4. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and 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.

The hereby required landscaping details shall include details of the proposed planters, provided with specifications for the planting. This should include drainage, soil and mulch depths for planting types and planting details. The hard landscaping details shall include details of any street furniture including their make, type and model.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape.

5. No demolition or construction (including ground works and vegetation clearance) work shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority; all measures which form part of the scheme shall be strictly adhered to throughout the period of demolition and construction. The CEMP shall detail site specific measures to control and monitor impacts arising and include as a minimum:

- Procedures to ensure all works adhere to Best Practicable Means (BPM), to reduce noise (including vibration) to a minimum, with reference to the general principles contained in British Standard BS5228: 2009 'Code of practice for noise and vibration control on construction and open sites, Parts 1 and 2'.
- Procedures to ensure BPM to reduce dust emissions.
- Phasing plan for the demolition and construction works.
- Demolition/construction access/haulage routes, parking and traffic.
- Working hours and restrictions.
- Wheel washing facilities.
- A procedure for dealing with complaints.
- A procedure for notifying occupiers who are likely to be impacted from works.
- Staff training to cover principles of BPM relating to all site activities.
- An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented.
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts to flora/fauna during construction.
- Requirements and proposals for any site lighting required during the construction phase.
- a timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season).
- The times during construction when an ecological clerk of works needs to be present on site to oversee works.
- Identification of Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;
  - ii) Compliance with planning conditions relating to nature conservation;
  - iii) Installation of physical protection measures during construction;
  - iv) Implementation of sensitive working practices during construction.
  - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

- vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- Pollution prevention measures.
  - Flood Emergency Plan to ensure operational safety (people, plant, pollution control, etc) during a flood event.

Reason: In the interest of the amenity of the occupants of surrounding sensitive properties and to protect features of recognised nature conservation importance.

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

6. a) The development hereby permitted shall be carried out in strict accordance with the approved following documents:

- Smithfield Riverside, Shrewsbury Generic Quantitative Risk Assessment, SRS-ARP-RP-XX-RP-CG-00002, Ove Arup & Partners Limited, P03, 05 September 2024; and
- Remediation Method Statement (RMS) and Discovery Strategy V2.0: Smithfield Riverside Shrewsbury, Ivy House Environmental, 04 September 2024.

b) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with.

c) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. The Report shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

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

7. Prior to the first use of the development hereby approved a lighting plan which

-

Riverside Mall Pride Hill  
Centre

demonstrated how adverse lighting effects that could cause harm to bats and their habitats shall be submitted to and approved in writing by the local planning authority. The lighting shall be carried out in complete accordance with the approved details.

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

### **Informatives**

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

This planning permission is exempt from mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information.

Subject to the drainage survey investigation and any connection agreements required, the LLFA would favour connections to dedicated surface water sewers and highway drainage networks, in preference to combined sewers.

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Committee and date  
**Northern Planning Committee**  
 18<sup>th</sup> February 2025

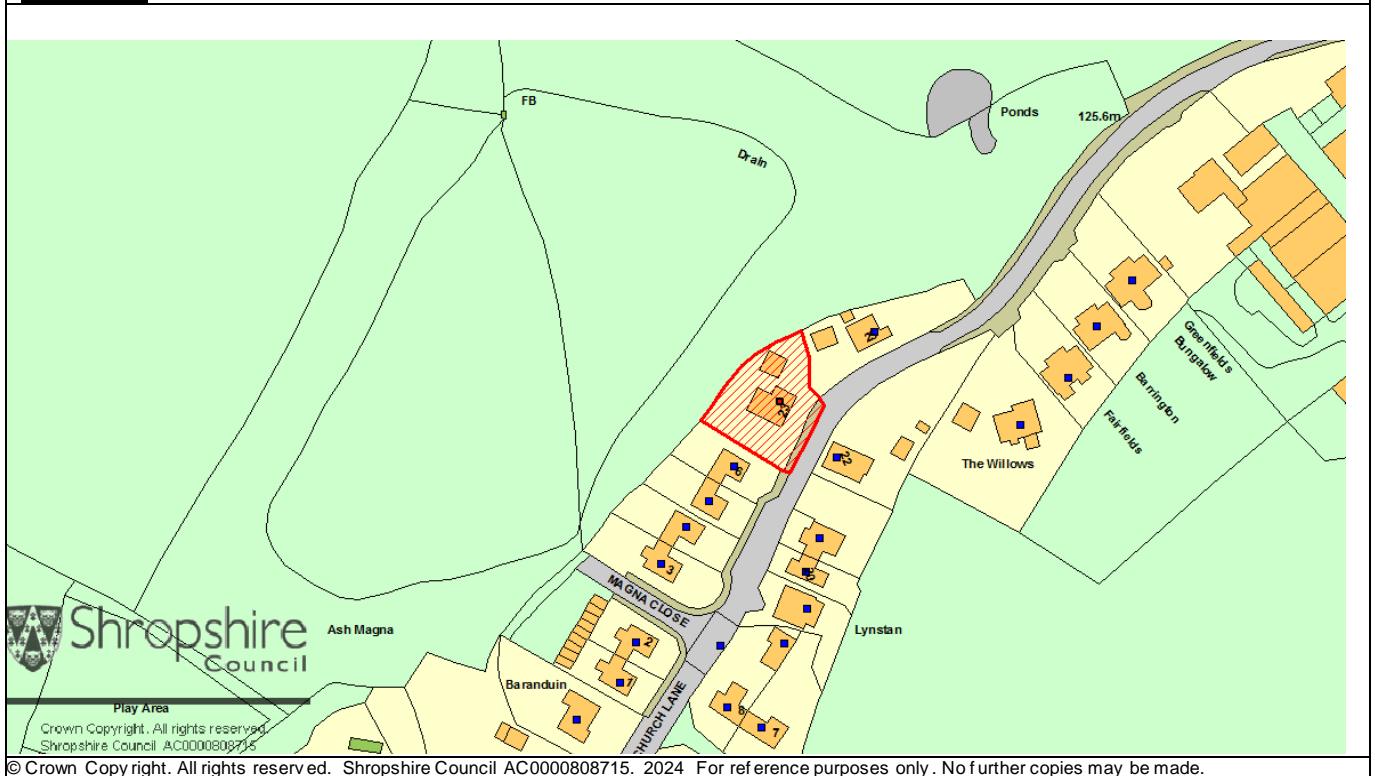
## Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

### Summary of Application

<b>Application Number:</b> 24/04696/FUL	<b>Parish:</b>	Whitchurch Rural
<b>Proposal:</b> Erection of two storey side extension		
<b>Site Address:</b> Laurel Cottage 23 Church Lane Ash Magna Whitchurch Shropshire		
<b>Applicant:</b> Mr And Mrs James and Alison Lloyd		
<b>Case Officer:</b> Emma Green	<b>email:</b> <a href="mailto:planning.northern@shropshire.gov.uk">planning.northern@shropshire.gov.uk</a>	

**Grid Ref:** 357384 - 339894



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 For the erection of a two-storey side extension to the existing detached dwellinghouse. The extension is 4m in width, 6.065m in depth and has a lowered roof height than the main dwellinghouse. The proposed materials are to match the existing brick and tile finish already on the main dwellinghouse.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 23 Church Lane is a detached two storey, cream rendered property, located within the rural village of Ash Magna, 2 miles from the market town of Whitchurch. Ash Magna is identified as a community cluster within the SAMDev Plan and 23 Church Lane falls within the development boundary for the cluster. The detached property benefits from a private access, driveway, a detached garage and lawned garden areas to the front, side and rear of the dwelling house. The site is accessed off Church Lane.
- 2.2 The property forms part of liner development along this lane and is bounded at the rear (northwest) by agricultural land. In all other directions two and single storey dwellings surround the property. No. 6 Magna Close adjoins the southern property boundary closest to the proposed extension, and is a single storey bungalow, with a glazed secondary entrance door and high level obscure glazed bathroom window in the site elevation facing the application site.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The applicant is an employee of Shropshire Council for which Committee consideration is mandatory under the Council's Scheme of Delegation

### 4.0 Community Representations

#### 4.1 Public Comments

- 4.1.1 Whitchurch Rural Parish Council: No objections to the proposal.

### 5.0 THE MAIN ISSUES

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

### 6.0 OFFICER APPRAISAL

- 6.1 Principle of development
- 6.1.1 The erection of two storey side extension to the dwelling to provide additional living accommodation for the existing dwelling is acceptable in principle, subject to considerations of siting, scale and design and impact on character of area and residential amenities.
- 6.2 Siting, scale and design of structure
- 6.2.1 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. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.2.2 The proposed scale, design and appearance of the works respect the existing character of the dwelling, are subservient in nature and have replicated local vernacular in the design to achieve this and positively responds to the character and appearance of the area. The siting, scale and design of the proposed is therefore acceptable and accords with policies CS6 and MD2.
- 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 The dwellinghouse benefits from a large side garden of approx. 10m in width. The side extension will reduce this space; however, the overall open character will remain, and the bungalows, secondary or non-habitable room side facing windows will continue to benefit from a 9.5m separation from the proposed development and are therefore not considered to be detrimentally impacted in terms of loss of light or any overbearing impact.
- 6.3.3 The proposed elevation includes only one feature window at first floor level which looks over the front garden of the neighbouring property and does not adversely impact on the occupiers amenities in terms of overlooking or loss of privacy.
- 6.3.4 Officers are satisfied that no harm such as the loss of light, overlooking, the loss of privacy and no overbearing impact will be caused to the neighbouring amenity because of this development.

## **7.0 CONCLUSION**

- 7.1 Considering the siting, scale and design of the proposed extensions officers are satisfied that the development respects the properties existing character and that of the local vernacular, whilst ensuring no additional harm is caused to the site's

amenity and the amenity of occupiers of neighbouring properties, accordingly the development complies with the local development plan, along with the aims and objectives of the NPPF.

## **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 must 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 considered 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: CS06 and MD2

### RELEVANT PLANNING HISTORY:

NS/79/00802/FUL Erection of private double garage. GRANT 16th October 1979

NS/88/00577/FUL Proposed single storey rear extensions to existing dwelling. GRANT 25th July 1988

PREAPP/20/00501 Proposed first floor extensions PDDEV 28th July 2020

20/04765/FUL Erection of part single storey, part first storey rear extensions, and alterations to existing porch roof GRANT 13th January 2021

24/04696/FUL Erection of two storey side extension PCO

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SOBT2JTD07U00>

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
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Cllr Gerald Dakin

Appendices

APPENDIX 1 - Conditions

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. The external materials shall match in colour, form and texture those of the existing building and as detailed within the supporting information. Reason: To ensure that the works harmonise with the existing development.

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Committee and date  
 Northern Planning Committee  
 18<sup>th</sup> February 2025

**SCHEDULE OF APPEALS AS AT COMMITTEE 18.02.2025**

<b>LPA reference</b>	24/00724/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Opdenergy UK 10 Ltd
<b>Proposal</b>	Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure.
<b>Location</b>	Field West Of Haughmond Quarry Land South Of B5062 Uffington
<b>Date of appeal</b>	03.12.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/03683/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr Myles Arnold
<b>Proposal</b>	Proposed detached car workshop building
<b>Location</b>	Shrewsbury Vehicles Spring Gardens Shrewsbury SY1 2TE
<b>Date of appeal</b>	18.12.2024
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/03153/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Glyn Jones
<b>Proposal</b>	Erection of 1No dwelling
<b>Location</b>	Proposed Residential Development Adjacent 38 Longden Road Shrewsbury
<b>Date of appeal</b>	23.12.2024
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/01205/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Ian Mottershaw
<b>Proposal</b>	Erection of a New Dwelling
<b>Location</b>	Proposed Dwelling To The West Of Coldridge Drive Shrewsbury
<b>Date of appeal</b>	19.12.2024
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/04199/PIP
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr T Dunkerley
<b>Proposal</b>	Application for Permission in Principle for construction of between 2No. dwelling and 4No. dwellings
<b>Location</b>	Land Adjacent To White House, Coopers Lane, Porth-y-waen
<b>Date of appeal</b>	27.01.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/01210/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Matthew Procter
<b>Proposal</b>	Creation of 25 assisted living bungalows and communal area within courtyard
<b>Location</b>	Hengoed Park Residential Home Hengoed, Oswestry
<b>Date of appeal</b>	09.01.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/03721/PACMF
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr Robin Hooper
<b>Proposal</b>	Change of use from Commercial, Business and Service (Use Class E), or betting office or pay day loan shop to mixed use including up to two flats (Use Class C3) under Schedule 2, Part 3, Class G
<b>Location</b>	Grove House 8 St Julians Friars Shrewsbury
<b>Date of appeal</b>	17.12.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/03195/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mrs Janet Cocliff
<b>Proposal</b>	Erection of insulated garage building
<b>Location</b>	Coton Grange Corporation Lane Shrewsbury Shropshire SY1 2PD
<b>Date of appeal</b>	10.01.2025
<b>Appeal method</b>	Householder - Fast Track
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

#### APPEALS DETERMINED

<b>LPA reference</b>	24/01723/FUL
<b>Appeal against</b>	Appeal against conditions
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr Simon Shanklin
<b>Proposal</b>	Phased conversion and extension to existing single storey former public toilet building to provide single dwelling with ground floor workshop and storage
<b>Location</b>	Former Public Conveniences St Julians Friars Shrewsbury
<b>Date of appeal</b>	05.09.2024
<b>Appeal method</b>	Written Representation
<b>Date site visit</b>	07.01.2025
<b>Date of appeal decision</b>	17.01.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	23/05422/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr And Mrs Wootton
<b>Proposal</b>	Erection of a 1-bedroom bungalow
<b>Location</b>	Land Adjacent 11 White Lodge Park Shawbury
<b>Date of appeal</b>	14.08.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	29.01.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	23/04807/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Pritchard
<b>Proposal</b>	The development proposed is erection of 6 dwellings including 2 affordable dwellings
<b>Location</b>	Land South Elson Villas, Elson, Ellesmere, Shropshire SY12 9JN
<b>Date of appeal</b>	03.09.2024
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	07.01.25
<b>Date of appeal decision</b>	29.01.25
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	23/00936/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mrs S Catmur & Mrs B Roberts
<b>Proposal</b>	The development proposed is erection of six single-storey dwellings
<b>Location</b>	Land North of Top Street Whittington
<b>Date of appeal</b>	28.06.2024
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	13.1.2025
<b>Date of appeal decision</b>	30.1.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	24/00988/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Ridley
<b>Proposal</b>	Proposed Residential dwelling for retirement
<b>Location</b>	Glasands Holyhead Road Nesscliffe Shrewsbury Shropshire SY4 1DB
<b>Date of appeal</b>	13.10.2024
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	13.01.2025
<b>Date of appeal decision</b>	03.02.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	24/00461/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Frontier Estates Ltd
<b>Proposal</b>	Redevelopment of site to provide a circa 60 Bed care home (use class C2) including access, parking and landscaping
<b>Location</b>	Paul Atkins Farm Services Phoenix Garage Great Hales Street Market Drayton
<b>Date of appeal</b>	12.09.2024
<b>Appeal method</b>	Written Representation
<b>Date site visit</b>	07.01.2025
<b>Date of appeal decision</b>	05.02.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>LPA reference</b>	24/01875/PMBPA
<b>Appeal against</b>	Refused Prior Approval of Permitted Dev
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Don Carissimo
<b>Proposal</b>	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form one residential unit
<b>Location</b>	Rose Cottage Prees Green Whitchurch
<b>Date of appeal</b>	03.09.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	07.01.2025
<b>Date of appeal decision</b>	06.02.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

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## Appeal Decision

Site visit made on 7 January 2025

by **Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

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### Appeal Ref: APP/L3245/W/24/3351240

### Former Public Conveniences, St Julians Friars, Shrewsbury, Shropshire SY1 1XL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
  - The appeal is made by Mr S Shanklin against the decision of Shropshire Council.
  - The application Ref 24/01723/FUL was approved on 14 June 2024 and planning permission was granted subject to conditions.
  - The development permitted is the phased conversion and extension to existing single storey former public toilet building to provide single dwelling with ground floor workshop and storage.
  - The condition in dispute is No 8 which states that: *The area identified as storage / workshop on the revised plan, drawing number 2101\_PL\_02 Rev C dated 30<sup>th</sup> April 2024 shall not be used garaging and shall not at anytime be converted into vehicle garage.*
  - The reason given for the condition: *In the interests of highway safety, and the safety of other highway users.*
- 

### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. The planning permission that is the subject of this appeal, is for the phasing of a previously permitted development, and includes the same conditions. Condition 8 was imposed in accordance with the advice of the Highway Authority due to highway safety concerns relating to vehicles blocking the carriageway and inadequate pedestrian visibility. The appellant seeks the removal of the condition stating that such highway safety concerns could be addressed.
3. Having regard to the appeal submissions, the main issue is whether or not the disputed condition is reasonable and necessary in the interests of highway safety.

### Reasons

4. The front elevation of the appeal building, where the vehicular entrance would be located, is set back a short distance from the front elevation of a three-storey property, the Masala restaurant, to which it is attached. The side elevation of the Masala would closely flank the access point on one side and extend up to the carriageway of St Julian's Friars. In such a position it would significantly restrict the visibility of drivers on exit from the appeal building.
5. My observations on the site visit suggests that St Julian's Friars is a busy pedestrianised route and that pedestrians moving along it in a southerly direction, before turning right towards St Julian Friars car park and Greyfriars bridge, walk very close to the Masala. In such a position the pedestrians are unlikely to see a vehicle exiting the building in advance of it joining the carriageway, and any driver

exiting the building would have limited forewarning of such pedestrians, even when travelling in a forward gear. This would make it extremely challenging for the driver and pedestrians to anticipate each other's movements and stop as appropriate. Consequently, whilst vehicles emerging from the building would occur infrequently and would be moving at a slow speed, the impediment to visibility is likely to result in conflict between such vehicles and other users of St Julian's Friars, in particular pedestrians, to the detriment of highway safety.

6. In my experience, bankspeople are utilised in the interests of highway safety as a temporary measure in situations where there are many employees on a site, such as during construction. In this case, the floorspace would limit the number of people that could be employed within the proposed building and, as such, it is reasonable to anticipate that there would not always be someone available to act in such a role. Therefore, I do not consider that it would be reasonable or practicable to require, through a condition, that a banksperson oversees vehicle movements out of the building as suggested.
7. I do not doubt that the installation of a convex mirror would assist visibility to some extent. Nonetheless, I am not convinced that it is appropriate to rely on what is in effect a demountable aid which can be adversely impacted, and become less effective, due to frost, glare from sunlight and vehicle headlights, and if dirty. Furthermore, as I have found movements from the building in a forward gear would be unsafe, controls imposed through a planning condition that would prevent reversing manoeuvres during specified hours would not resolve the identified highway safety issues.
8. My attention has been drawn to the parking arrangements of other buildings on St Julian's Friars. On my visit I noted that the parking spaces for St Julian's Mews and Abbots Mead Hotel are highly visible and, therefore, do not raise similar highway safety issues. As Darwin's Town House Hotel is set back from the carriageway, pedestrians walking along St Julian's Friars in a southerly direction would have advance warning of a vehicle leaving the parking space. In addition, I observed that pedestrians walk along the centre of the road when travelling in a northerly direction and, as such, the effect of the Masala on the forward visibility at Darwin's Town House Hotel is less pronounced. Accordingly, such parking and servicing arrangements do not support a conclusion that the proposal is acceptable in respect of highway safety.
9. I acknowledge that the area in front of the building, which is accessed from Williams Way, has been used as a parking space and that there is no evidence before me to suggest that its use is unsafe. However, that does not demonstrate that access from the building onto St Julian's Friars would not give rise to the highway safety concerns I have identified. Furthermore, the building being historically used as a store for vehicles, at a time when the nature of pedestrian and vehicular movements would have been materially different, does not alter my findings.
10. There is insufficient space in front of the appeal building to enable a vehicle to stand clear of the carriageway, which could result in part of the public highway being blocked whilst the door is opened. I am, however, satisfied that a remotely operated electric door, which could be secured through a suitably worded condition, would enable it to be opened in advance so that a vehicle could drive

straight in. Nevertheless, it remains that the use of the building as a garage would be unsafe for the reasons set out above.

11. I therefore conclude that condition 8 is necessary and reasonable in the interests of highway safety.

#### **Other Matters**

12. I acknowledge the public car park charges, the costs that would be incurred in undertaking major foundation works, and the payment of the Community Infrastructure Levy affect the viability of the proposed development. I further acknowledge that the use of the ground floor as a garage would increase the likelihood the building would be brought back into use. Such factors do not, however, outweigh the harm I have identified.
13. The appellant has drawn my attention to the Council's stance regarding pre-application advice and the fees for obtaining such advice. Nonetheless, these matters do not affect my consideration of the planning merits of the proposal.
14. The absence of objections from the public does not weigh in favour of the proposal.

#### **Conclusion**

15. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed and the condition retained.

*Elaine Moulton*

INSPECTOR

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## Appeal Decision

Site visit made on 7 January 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

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**Appeal Ref: APP/L3245/W/24/3347200**

**Land adjacent 11 White Lodge Park, Shawbury, Shropshire SY4 4NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Wootton against the decision of Shropshire Council.
  - The application Ref is 23/05422/FUL.
  - The development proposed is a new dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - the effect of the proposed development on the character and appearance of the surrounding area; and
  - whether the proposed development would provide adequate outdoor amenity space with particular regard to storage.

### Reasons

#### *Character and Appearance*

3. The appeal site relates to part of the side and rear garden of 11 White Lodge Park (No 11) which also contains a drive and a single garage that is attached to the garage of 10 White Lodge Park (No 10). No 11 is a semi-detached bungalow occupying a prominent position on the bend of White Lodge Park. The street contains a mix of modern brick built one and two storey semi-detached pairs of dwellings. Each pair is separated by adjoining driveways which serve garages to the rear. The site is broadly triangular in shape and greatest in width near White Lodge Park, tapering to a narrow point at the rear.
4. The appeal site is opposite a small cul-de-sac forming part of White Lodge Park and contributes to a sense of openness at this particular juncture of the road and to the overall spacious residential character of the surrounding area. The appeal site reflects the pattern of development in the vicinity. No 10 and the dwellings at the entrance of the cul-de-sac, opposite the appeal site, have comparably large front gardens. Therefore, the front and side garden of No 11 conforms to the character of the existing street scene.
5. While the proposed development would follow the building line of White Lodge Park, it would nevertheless reduce the sense of openness in this part of the street.

The loss of openness would be more noticeable due to the site's prominent position within the street.

6. Although the front of the site would be spacious, the rear would be cramped due to the proximity of the rear of the proposed dwelling to the rear of No 11. This narrow spacing is uncharacteristic of the spacing between the semi-detached pairs of dwellings in the street, which have a larger gap between them, providing views towards gardens and garages at the rear. The position of the proposed dwelling in relation to No 11 would therefore be incongruous within the general pattern of development in the street.
7. While the architectural design of the dwelling and the proposed external materials would be acceptable, they would not sufficiently mitigate the adverse effects of the proposal on the character and appearance of the surrounding area.
8. For the reasons given, the proposed development would unduly harm the character and appearance of the surrounding area. It would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS) and Policy MD2 of the Site Allocations and Management Development Plan (December 2015) (SAMDP) insofar as they require development to achieve high quality design and respond to local character and the form and layout of existing development.

#### *Outdoor Amenity Space*

9. Based on the evidence before me, it has not been shown that the proposed rear outdoor amenity space would be inadequate in size. There is no reason why a small shed or garden storage unit could not be realistically accommodated within the rear outdoor space. Furthermore, the Council have not demonstrated that the size of the outdoor amenity space would be inadequate if a storage unit commensurate with the size of the proposed dwelling were be accommodated within it.
10. The size of the outdoor amenity space is comparable to those of 12 and 13 White Lodge Park. While those properties benefit from garages, there is no local planning policy before me which requires the provision of a garage or outdoor storage space.
11. For the reasons given, the proposed development would provide adequate outdoor amenity space with particular regard to storage. It would comply Policy CS6 of the CS and Policy MD2 of the SAMDP insofar as they require development to achieve high quality sustainable design.

#### **Planning Balance and Conclusion**

12. The proposal would provide an additional dwelling which would contribute to the area's housing supply. The site is an urban area and would represent an efficient use of land. Given the small scale of the development, these benefits would be modest and carry moderate weight in favour of the proposal.
13. While the proposed development would provide adequate outdoor amenity space, it would significantly harm the character and appearance of the surrounding area. This leads me to an overall conclusion that the appeal scheme would not comply with the development plan, when considered as a whole.

14. Accordingly, I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission and the material considerations, including the stated benefits, do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed

*U P Han*

INSPECTOR

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## Appeal Decision

Site visit made on 7 January 2025

by **Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29<sup>th</sup> January 2025

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**Appeal Ref: APP/L3245/W/24/3347848**

**Land South Elson Villas, Elson, Ellesmere, Shropshire SY12 9JN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr Pritchard against the decision of Shropshire Council.
  - The application Ref is 23/04807/OUT.
  - The development proposed is erection of 6 dwellings including 2 affordable dwellings.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. The main parties have been given the opportunity to comment on this version and in reaching my decision I have taken account of the responses received.
3. The application has been made in outline with details of the access and layout submitted for consideration at this stage. I have determined the appeal on this basis.
4. Since the Council determined the planning application the proposal has been amended to increase the provision of affordable dwellings from one to two. In addition, an amended drawing, 2313-MA(00)0002 rev A, was submitted with the appeal documents which omits garages on plots 5 and 6. The Council has had the opportunity to comment on such amendments, and I am satisfied that my acceptance of them would not prejudice the interests of the Council or any interested parties. I have therefore determined the appeal based on the amended proposal and have revised the description of the development set out above.

### Main Issues

5. The main issues are:
  - The effects of the proposal on the character and appearance of the area; and
  - Whether the site is a suitable location for the proposed development having regard to local policy.

## Reasons

### *Character and appearance*

6. Cargotec Industrial Park and ETC Sawmills, which extend over large sites, together with an uninterrupted line of dwellings on Elm Close and the dwellings between the sawmills and Cae-Goody Lane, form the settlement of Elson. Such development gives Elson a built-up and suburban character.
7. In contrast the east side of Elson Road where the appeal site is located, between Cae-Goody Lane and the end of a strong ribbon of development that extends from Ellesmere, has a loose and sporadic form that is notably rural in its character and, thus, is distinctly different to the built-up nature of Elson. Consequently, I find that the appeal site appears outside of Elson and its open nature in combination with the agricultural fields beyond, contribute positively to its countryside setting.
8. Details of the appearance and scale of the proposed development, and the landscaping of the site, are reserved for subsequent consideration and I see no reason why the proposed dwelling could not be designed to respond sympathetically to the rural character of the area. Furthermore, I note that the development is linear and low density in its form, like other development in the surrounding area. Nonetheless, the proposed layout would lead to buildings spread across a significant proportion of the site. This would transform the appeal site from an open paddock to a housing development. Notwithstanding that the proposed dwellings would have generous gardens, the conspicuous loss of openness and the resulting urbanisation of the site would significantly harm the open and rural character of the countryside in this part of Elson Road.
9. I therefore conclude that the proposal would be harmful to the character and appearance of the area. Accordingly, there is conflict with Policies CS6 and CS17 of the Core Strategy (CS) and Policies MD2 and MD12 of the Site Allocations and Management of Development (SAMDev) Plan, which seek to ensure, amongst other things, that new development preserves local distinctiveness and protects the natural environment.

### *Suitable location*

10. CS Policy CS1 provides the strategic approach to development indicating that rural areas will become more sustainable through a 'rural rebalance' approach. It sets out that development in rural areas will be predominantly in community hubs and community clusters. CS Policy CS4 supports this strategic approach by seeking to direct development in rural areas towards such community hubs and community clusters.
11. SAMDev Policy MD1 identifies Dudleston Heath and Elson as a joint community hub for which SAMDev Policy 8.2(ii) sets a housing guideline of around 40 additional dwellings over the plan period, to be delivered within the development boundary as identified on the proposals map. The appeal site is outside of the defined development boundary and, therefore, is within an open countryside location.
12. It has been suggested that because Elson does not have a development boundary and no specific sites have been allocated within it, its identification as part of a

community hub is anomalous. However, to achieve the rural rebalance set out in CS Policy CS1, the community hub designation covers more than just residential development. SAMDev Policy 8.2(ii) does not prevent economic or facilities growth within Elson, as it only relates to housing. As such, I find that the designation of Elson as part of the joint community hub is not inconsistent with the development strategy for the rural area.

13. CS Policy CS5 indicates that new development will be strictly controlled in accordance with national planning policies protecting the countryside. It supports dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need. There is no evidence before me to suggest that the proposed open market dwellings fall within any of the listed types, or that the proposed affordable housing meets an identified local need. Furthermore, as I have found that the proposal would harm the character of the area it would be contrary to the overall aim of the policy to ensure that developments maintain and enhance countryside character. Accordingly, the proposal is not supported by CS Policy CS5.
14. SAMDev Policy MD3 indicates that where a settlement housing guideline appears unlikely to be met, additional sites outside settlement boundaries may be acceptable. However, even if I were to agree with the appellant that the housing guideline of 40 additional dwellings set out in SAMDev Policy S8.2(ii) will not be achieved, Policy MD3 indicates that it remains necessary for regard to be had to other policies of the Local Plan. As set out above, the proposal would not accord with CS Policies CS1, CS4 or CS5, or SAMDev Policy 8.2(ii) due to its open countryside location. Thus, the proposed development outside of settlement boundaries is not supported by Policy MD3.
15. The appeal site is close to Ellesmere and has good pedestrian and cyclist access to its facilities and services. There are also bus stops near to the site on Elson Road, served by a bus service between Oswestry and Ellesmere. As such, the future occupiers of the proposed dwelling would not be wholly reliant on the use of a private vehicle. Nevertheless, the proposal must be considered against the development plan, which strictly controls housing development in the open countryside.
16. I therefore find that the proposal would not be in a suitable location due to the conflict with the Councils housing strategy as set out in CS Policies CS1, CS4 and CS5 and SAMDev Policies MD1, MD3, MD7a and S8.

### **Other Considerations**

17. Whilst the extent of the shortfall is not specified, the Council has confirmed that, since the introduction of the revised standard method for calculating local housing need alongside the revised Framework, it cannot currently demonstrate a five-year housing land. The balance in paragraph 11 d) ii) of the Framework is therefore engaged.
18. The absence of a planning obligation, under section 106 of the Town and Country Planning Act 1990, that secured one affordable dwelling was a reason for refusal. However, a planning obligation in the form of a unilateral undertaking (the UU) has now been provided, which the Council has had the opportunity to comment on.

19. The UU makes provision for affordable housing at not less than the prevailing target rate, as at the submission of the last of the reserved matters, as a whole number of the total number of dwellings that will have been constructed on the site. The evidence before me indicates that the prevailing rate for affordable housing is currently 10%. Accordingly, the UU would secure a minimum of one affordable dwelling when rounded up to a whole. However, there would be no guarantee that the proposed two affordable houses, which currently exceeds the prevailing target rate, would be provided on the site unless that rate significantly increases. Notwithstanding that the description of the development refers to the provision of two dwellings, in the absence of a suitable mechanism that secures them, I must determine the appeal on the basis that only one affordable dwelling will be provided.
20. I note the intention is for the appellants two sons to be given the opportunity to self-build their own homes within the development. Nonetheless, in the absence of any mechanism that would secure two self-build plots, I must consider the proposal as being primarily for open-market housing within the countryside.

### **Planning Balance**

21. The proposal would contribute towards the Government's aims of boosting the supply of housing, as set out in the Framework, would contribute one affordable dwelling and a Community Infrastructure Levy payment, and would result in increased biodiversity, to which I attribute moderate weight in this decision.
22. The proposal would, however, be harmful to the character and appearance of the area contrary to CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD12. In addition, the adverse impacts arising from the unsuitable location conflicts with CS Policies CS1, CS4 and CS5 and SAMDev Policies MD1, MD3, MD7a and S8. Consequently, the proposal does not accord with the development plan. As the planning system should be genuinely plan-led these are matters of significant weight.
23. Overall, I find that the harm I have identified would significantly and demonstrably outweigh the benefits in this case when assess against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

### **Other Matters**

24. The UU offers a contribution towards mitigation measures to avoid adverse impacts on Cole Mere, part of the Midlands Meres and Mosses Phase 2 Ramsar site. However, as the appeal is to be dismissed, there is no need for further consideration to be given to this or to the provisions of the Conservation of Habitats and Species Regulations 2017.

## **Conclusion**

25. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
26. I conclude that the appeal should be dismissed.

*Elaine Moulton*

INSPECTOR

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## Appeal Decision

Site visit made on 13 January 2025

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

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**Appeal Ref: APP/L3245/W/24/3345090**

**Land North of Top Street, Whittington, Oswestry SY11 4DR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mrs S Catmur & Mrs B Roberts against the decision of Shropshire Council.
  - The application Ref is 23/00936/OUT.
  - The development proposed is erection of six single-storey dwellings.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration, except for layout and scale. I have considered the appeal on this basis.
3. On 12 December 2024, the National Planning Policy Framework (the Framework) was updated. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework and has taken account of the representations made on this.
4. As part of the appeal the appellant has submitted a plan entitled 'revised sketch layout plan for BNG'. However, this plan does not include the whole site and isn't annotated with a scale. Given this, I do not consider that this plan is sufficiently detailed. Therefore, I have not accepted it as an amendment to the appeal proposal.
5. A Unilateral Undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted with the appeal in relation to the provision of affordable housing. The Council has been given the opportunity to comment on this. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to this in my decision. I will return to this matter later in my decision.

### Main Issues

6. The main issues are:
  - whether the proposal makes appropriate provision for affordable housing;
  - whether the proposal makes appropriate provision for waste collection;
  - the effect of the proposal on highway safety; and

-whether the proposal is in a suitable location for housing, having regard to the spatial strategy of the development plan and access to services.

## Reasons

### *Affordable housing*

7. Outline permission is sought for the erection of 6 dwellings. The appeal is supported by a UU which sets the mechanisms by which affordable housing as required by CS Policy CS11 would be delivered. However, the UU before me is not dated. The land registry plan which forms part of the UU does not include the whole of the site as it excludes the highway land and part of the visibility splay to the front of Moorcroft. Given this I cannot be satisfied that all persons with an interest in the site, including any mortgage interests, are party to this agreement. Thus, the obligation before me is incomplete and its implementation would be uncertain. Additionally, the UU does not clearly define the location of the proposed affordable unit.
8. Given this, I cannot be certain that the affordable housing would be delivered. Therefore, the proposal does not make adequate provision for affordable housing as required by Shropshire Local Development Framework Core Strategy (2011) (CS) Policy CS11 which requires that all new open market housing development makes appropriate contributions to the provision of local needs affordable housing.

### *Waste collection*

9. It is proposed that on bin collection day bins would be placed in a bin collection/ passing point to the front of plot 6. Guidance in the Refuse and Recycling Advice for Developers Document (2022) (RRADD) sets out that residents should not have to pull/push bins or carry waste for more than 25 metres and that collection crews should not have to push/pull 2 wheeled containers more than 15 metres.
10. Plots 3 and 4 would exceed the maximum distance that residents should be required to pull their bins as indicated in the RRADD. However, the exceedance of the maximum distance would be limited, and the occupiers of these properties would not be required to drag wheelie bins an excessive distance on collection day.
11. However, the bin collection point would be sited considerably beyond the maximum distance operatives should be expected to push/pull bins as set down in the RRADD. There is no evidence that the downhill slope which would be encountered when bins are full would be a mitigating factor such that this greater distance would be rendered acceptable. Whilst acknowledging that the RRADD is guidance, given the distances involved, I have not been presented with any compelling evidence that refuse operatives would be willing to collect bins from the proposed collection place. Thus, it cannot be guaranteed that appropriate waste collection arrangements could be secured.
12. In light of the above, the proposal would not provide acceptable living conditions for future occupants with regard to waste collection. It would therefore conflict with those aims of CS Policy CS6 and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev) which seek to ensure that development contributes to the health and wellbeing of communities.



### *Highway safety*

13. The appeal site comprises a parcel of land on the north side of Top Street in Whittington. Top Street serves a predominantly residential area of approximately 40 houses and forms a link between Gobowen Road and Boot Street. On the northern side of Top Street there is no footway, and the highway is bounded by property boundaries and accesses to residential properties.
14. The site access comprises a splayed entrance between Moorcroft and 33 Top Street. The entrance is bordered by a brick wall with vegetation above which impairs visibility from emerging traffic at the site access. Top Street is subject to a 30mph speed limit. At my late morning weekday site visit I observed a moderate flow of traffic on Top Street. Whilst this is a snapshot in time, there is nonetheless nothing in the evidence before me to indicate that these observations are atypical of the area.
15. The proposal includes the provision of a 2-metre overrun area, which, it is stated, would create the illusion that the useable carriageway is narrower, introducing an element of traffic calming which would reduce traffic speeds along Top Street. The Council accept that this would slow traffic along Top Street and would provide an improvement to visibility at the site access in both directions. This would reduce the risk of collision for vehicles emerging from the site access. However, concerns are raised regarding a lack of details of the overrun area. It is also stated that street lighting would be required. However, there is no evidence that Top Street is not satisfactorily illuminated, and, given the limited scope of the works proposed, I am satisfied that engineering details could be dealt with by condition.
16. Concerns regarding whether the proposed measures would receive the support of the Parish Council and local community are noted. However, it would appear that, given the minor scope of works involved, a Traffic Regulation Order would not be required for these works. Given this, there is no particular evidence that the support of the Parish Council and local community would be necessary to ensure that the overrun area could be implemented.
17. With the benefit of the proposed traffic calming measures, which could be secured by condition, I am satisfied that the proposal would achieve adequate visibility at the site access and that drivers exiting the site would be able to do so without increasing the risk of accidents with vehicles and other road users. Therefore, I conclude that the proposal would not have a harmful effect on highway safety in accordance with CS Policy CS6 which requires that development proposals are designed to be safe and accessible to all.

### *Spatial strategy*

18. The appeal site borders the settlement boundary for Whittington, which is defined as a community hub in the SAMDev. CS Policies CS4 and CS5 and SAMDev Policies S14.2, MD1, MD3 and MD7 direct new development to areas within existing settlements including Community Hubs so as to prevent inappropriate forms of development in the countryside, to ensure sustainable forms of development which maintain and enhance countryside vitality, to minimise trip generation, and to ensure that the character of the countryside is protected.
19. The site is within the countryside for planning purposes. However, the settlement boundary is physically very close to the site, and I saw at my site visit that the

- proposed development would not appear visually detached from Whittington, indeed access to the site would be gained between 2 dwellings and the proposal would border residential development to the west. The site frontage appears indistinguishable from other parts of Whittington and the site has the outward appearance of being within the village. Given this, the site relates well to Whittington and the dwellings would not appear disconnected from the settlement.
20. Future occupiers of the development would have access to services and facilities in Whittington. Routes to the services and facilities in Whittington would involve safe and convenient footways and the distances involved do not preclude some of these journeys being undertaken on foot or by cycle. The site is located within walking distance of bus stops on Boot Street with services to nearby settlements. Given this, future occupants would not necessarily be reliant on private motor vehicles which are the least sustainable form of transport. Additionally, the development could lead to further use and support of facilities and services, contributing to the vitality of Whittington.
21. SAMDev Policy S14.2 (vi), states that Whittington will support approximately 100 new dwellings over the plan period and SAMDev Policy MD3 continues that if the development guideline numbers are exceeded additional considerations must be had. Whilst the main parties disagree on the number of houses that have been granted approval and have either been, or are likely to be, delivered, they nonetheless agree that the development would further exceed this guideline. However, I am mindful that this guideline has already been breached through previous developments and there is no particular evidence before me that the exceedance of these targets by an additional 6 dwellings would place an unacceptable pressure on local infrastructure or push community goodwill beyond breaking point.
22. My attention has been drawn to an appeal decision<sup>1</sup> in which the Inspector found that a proposal for development adjacent to the settlement boundary was contrary to the settlement strategy policies in the development plan. Limited details of this appeal are before me. Nonetheless, in their decision the Inspector commented that the site formed a well-defined edge to the settlement and clearly forms part of, and makes a positive contribution to, the rural character of the village's setting, and that the proposed dwellings would be viewed as a somewhat disjointed adjunct to the village which would present as an obvious protrusion into the countryside beyond the clear and well established edge created by the existing dwellings. Given this, it appears that the site characteristics, and the way in which the site relates to the adjacent settlement, differ substantially from the proposal before me.
23. The proposal would conflict with CS policies CS1, CS4 and CS5 and SAMDev policies MD1, MD3, MD7a and S14.2 (vi), which set out the spatial strategy and hierarchy for residential development. However, whilst outside of the settlement, the proposal would be located in close proximity to and would relate well to Whittington. Given this, the proposal would not result in a form of development that conflicts with the spatial strategy's aim of directing development to Community Hubs and Community Clusters, and consequently would accord with the wider aims of these policies which seek to direct new development to the most sustainable locations. Given this, no harm would arise from this conflict.

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<sup>1</sup> APP/L3245/W/23/3320163

## **Planning Balance**

24. The Council has confirmed that it is unable to demonstrate a 5 year housing land supply. The provisions of paragraph 11d of the Framework would therefore apply. This requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. The proposal would provide 6 new dwellings on a small site in a location which is accessible to local facilities and services and would meet a local need for smaller single storey dwellings. There would be social and economic benefits to local services during the construction and occupancy phases. These matters weigh in favour of the proposal, and, when factoring in the supply shortfall, attract moderate and meaningful weight as a scheme benefit.
26. On the other hand, I am not satisfied that an affordable housing contribution could be secured. The proposal would therefore fail to provide a suitable mix of types of dwellings and would not address the needs of a group with a specific housing requirement. The adverse impact of making no affordable housing provision infringes on the principles of sustainable development outlined in Chapter 5 of the Framework, which require that development meets identified local need and provides a mix of tenures in order to create diverse communities. This is a matter which weighs heavily against the scheme. Additionally, due to inadequate proposals for waste collection, the proposal would fail to provide acceptable living conditions for future occupiers. Conflict therefore arises with Chapter 12 of the Framework.
27. Consequently, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

## **Conclusion**

28. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

*N Robinson*

\INSPECTOR

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## Appeal Decision

Site visit made on 13 January 2025

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

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**Appeal Ref: APP/L3245/W/24/3353646**

**Glasands, Holyhead Road, The Old A5 through Nesscliffe, Nesscliffe, Shrewsbury, Shropshire SY4 1DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Ridley against the decision of Shropshire Council.
  - The application Ref is 24/00988/FUL.
  - The development proposed is residential dwelling for retirement.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On 12 December 2024, the National Planning Policy Framework (the Framework) was updated. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework.

### Main Issues

3. The main issues are the effect of the proposal on:
  - the character and appearance of the area including the setting and significance of nearby designated and non-designated heritage assets; and
  - highway safety.

### Reasons

#### *Character and appearance*

4. The appeal site comprises the garden to Glasands, a bungalow located on Holyhead Road. The garden is sited between Glasands and the road and is highly visible from the surrounding area. Vehicular access is gained from an access off Holyhead Road which is shared with one other property. The site is located between 2 commercial properties (a petrol station and a public house) in an otherwise predominantly residential area. Dwellings on Holyhead Road comprise a mixture of single and 2-storey dwellings with deep setbacks from the road and are typically set within spacious plots. This, in addition to mature planting within front gardens, affords the area a spacious and verdant character, to which the lawned appeal site makes a positive contribution.

5. The appeal site is located opposite the Little Ness War Memorial, a grade II listed Portland stone crucifix on a pillar. The significance of the memorial appears to lie in its historic importance in the local community as a witness to the impact of world events. Due to its position within a sloping grass verge, the memorial is most visible in its immediate vicinity. The site also borders the Old Three Pigeons Inn public house, a linear historic inn, which the Council identify as being a Non-Designated Heritage Asset (NDHA). This building appears to derive its significance from its architectural interest as a well-preserved example of a building of its type, and in the contribution the appearance of the building makes to the wider streetscape. The NDHA is partly obscured in views from the south by a petrol station totem sign. Nonetheless, the site's open frontage contributes positively to the NDHA's immediate setting and allows short-distance views of the building from the south, which enable aspects of its significance to be appreciated.
6. The proposal is for the erection of a single storey dwelling which would be sited to the front of Glasands with access from the shared access off Holyhead Road. The single storey form and massing of the dwelling and the proposed palette of materials would be consistent with dwellings in the surrounding area.
7. Statute requires that I pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest<sup>1</sup>. The highway visually and spatially separates the site from the memorial and there is no indication that the site has any form of historic significance in association with it. The siting of the dwelling would not impede views of the memorial from the street scene or alter how it is experienced. Thus, the proposal would preserve the setting and significance of this listed building.
8. However, the proposed dwelling would be located close to the road, where it would sit forward of surrounding built form. This would appear particularly prominent given the site's exposed location and would appear as a discordant feature inconsistent with the layout of dwellings in the surrounding area. The prominent siting of the dwelling would compete with and restrict views of the NDHA, compromising the ability to appreciate the significance of the asset. Whilst limited in extent, this would nonetheless amount to harm to the setting and significance of the NDHA.
9. The Framework requires at Paragraph 216 that the effect of an application on the significance of a NDHA should be taken into account in determining an application and requires a balanced judgment having regard to the scale of any harm or loss and the significance of the asset. Shropshire Local Development Framework Core Strategy (2011) (CS) policy MD13 requires that proposals which are likely to have an adverse effect on the significance of a NDHA, including its setting, will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect. The policy sets out that in making this assessment, the degree of harm or loss of significance to the asset including its setting, the importance of the asset and any potential beneficial use will be taken into account.
10. The Council is unable to demonstrate a five-year housing land supply. The proposal would contribute a new energy-efficient dwelling to the local housing stock in a location at low risk of flooding which is accessible to local facilities and services. There would be social and economic benefits from the construction and following the occupation of the dwelling. These matters weigh in favour of the

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<sup>1</sup> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990



proposal, and, when factoring in the supply shortfall, attract moderate and meaningful weight as a scheme benefit.

11. The appeal submission also sets out that the dwelling is needed for disability as the host dwelling is a struggle to maintain for the appellant. Accordingly, the development would bring demonstrable social benefits for the appellant. These are personal circumstances to which I attribute weight in favour of the appeal. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nonetheless, there is no particular evidence that the proposal is the only means of achieving the appellant's personal requirements. I therefore give limited weight to this personal benefit.
12. In this case the scale of harm would be significant in proportion and the effect on the setting of the NDHA and therefore its significance. Overall, I do not consider that collectively the public benefits, or indeed the private benefits, of the proposal which I have identified are sufficient to outweigh the adverse effect on the setting and significance of the NDHA. Whilst the appellant has expressed a willingness to amend the design of the dwelling, no such details are before me to give substantial credence to.
13. For the reasons set out above, the proposal would result in harm to the character and appearance of the area and the setting and significance of a NDHA in conflict with those aims of CS policies CS6, CS17, MD2 and MD13 which seek to create high quality places which respect and enhance local distinctiveness, respond appropriately to the form and layout of existing development and ensure that proposals avoid harm or loss of significance to non-designated heritage assets.

#### *Highway safety*

14. The proposed dwelling would be provided with 2 car parking spaces and access would be from the access off Holyhead Road. During my early afternoon site visit there was a moderate flow of traffic on Holyhead Road, which I observed had a 30mph speed limit. Whilst a snapshot in time, there is nonetheless nothing in the evidence before me to indicate that those observations are atypical of the area.
15. From what I observed on site the visibility for a driver exiting the access onto Holyhead Road would be good in both directions and the open street scene would give pedestrians a clear view of traffic crossing the footway. Given the relative infrequency and short duration of such manoeuvres and the low speeds involved, vehicles using the access would be unlikely to obstruct other footway users or present a significant danger to them. Furthermore, it appears that the access has been in use for a number of years by vehicles accessing 2 residential properties and there is no compelling evidence that it is unsafe.
16. The area to the front of Glasands appears to be appropriately surfaced and of sufficient size to accommodate 2 vehicles, and it appears that there would be sufficient space within the site to temporarily store refuse on bin collection day without restricting site access or compromising visibility splays. Whilst it would appear that the site would be unable to accommodate a turning facility to allow vehicles to both enter and leave the proposed parking spaces to the front of the dwelling in a forward motion, I am satisfied that, in the event that the appeal were

allowed, details of the visibility across the access could be secured by condition to ensure that the proposal would not result in the potential for conflict between road users on the access road.

17. Therefore, I conclude that the proposal would not have a harmful effect on highway safety and would accord with CS Policy CS6 which requires that development proposals are designed to be safe to all.

### **Planning Balance**

18. I am aware that the Council is unable to demonstrate a 5-year housing land supply. The provisions of paragraph 11d of the Framework would therefore apply. This requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The proposal would provide one additional dwelling, and when factoring in the supply shortfall, this attracts moderate and meaningful weight as a scheme benefit. Additionally, the proposal would result in private benefits to the appellant through the provision of a dwelling which would more appropriately meet their needs.
20. The dwelling would be provided with adequate amenity space and the Council raised no objections on grounds of the effect on the living conditions of the occupiers of neighbouring properties. Additionally, I have found that the proposal would not result in unsafe highway conditions. However, compliance with the relevant development plan policies on these matters would be required in any case. Therefore, these matters weigh neutrally in the planning balance.
21. Against the benefits of the proposal are the adverse impacts that I have identified in respect of the harm to the character and appearance of the area and the setting and significance of the NDHA. Conflict therefore arises with those aims of Chapters 12 and 16 of the Framework. These are matters that weigh heavily against the scheme. Consequently, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

### **Conclusion**

22. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

*N Robinson*

INSPECTOR





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## Appeal Decision

Site visit made on 7 January 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> February 2025

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**Appeal Ref: APP/L3245/W/24/3351748**

**Former Phoenix Garage, Paul Atkins Farm Services, Great Hales Street, Market Drayton, Shropshire TF9 1JW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Frontier Estates Ltd against the decision of Shropshire Council.
  - The application Ref is 24/00461/FUL.
  - The development proposed is redevelopment of the site to provide a circa 60 Bed care home (use class C2) including access, parking and landscaping.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether or not the proposed development would provide adequate living conditions for future occupiers with particular regard to noise.

### Reasons

3. The appeal site is located to the north of Great Hales Street in Market Drayton. It was formerly occupied by Phoenix Garage and consists largely of hardstanding with a drop in level in the north east part of the site. The surrounding area contains a mix of uses including commercial and residential properties. To the western boundary of the site is the Red Lion Public House and Joules Brewery. Residential properties are to the south west and north east, as well as on the opposite side of Great Hales Street.
4. This appeal is the second made for a scheme of the same description which was dismissed<sup>1</sup> in November 2023. There are no material differences between the exterior of the appeal scheme and the previous one. The fundamental changes have been to the internal layout of the proposed building resulting in a reduction of the number of bedrooms requiring mechanical ventilation on the north west façade of the proposed building from 34 to 23 bedrooms. No bedroom windows on the north west elevation would be fixed shut.
5. The appellant has submitted a Noise Assessment (the NA)<sup>2</sup> which assesses the noise sources and recommend mitigation measures. Venta Acoustics has reviewed the NA and agree with its findings. The NA finds that the appeal site is affected by several noise sources including traffic noise, noise associated with the deliveries and operation of Joules Brewery and noise emitted from the Red Lion

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<sup>1</sup> Ref APP/L3245/W/23/3323546.

<sup>2</sup> By Hawkins Environmental, Report No. H4068-NV-v2, dated 2 February 2024

Public House, including those relating to a kitchen air extraction, the car park, a modelled outdoor concert, and an indoor live music event. The most significant noise levels are associated with deliveries to the brewery which could affect 23 bedrooms on the north west elevation of the proposed building. Some of these rooms could also be affected by noise associated with the kitchen extract of the pub during the day and evening.

6. It is not disputed that the noise risk of the site is 'medium', with the effect level between the Lowest and Significant Observed Adverse Effect Levels.<sup>3</sup> Overall, the main parties agree that there would be a significant adverse noise impact resulting in unacceptable internal noise levels within the proposed development which would require mitigation. I see no reason to reach any different conclusions on the evidence before me.
7. The appellant has put forward a scheme of mitigation involving an acoustic barrier on the north west boundary of the site, high specification glazing and mechanical ventilation to the rooms on the north west elevation of the building.
8. The acoustic barrier would be constructed at a height of 3 metres and is stated to reduce noise levels by around 9dB for ground floor rooms and 12.5 dB for lower ground floor rooms. Therefore, the external daytime noise level at the proposed development site during deliveries to the brewery would be 63-64 bB  $L_{Aeq,1hour}$  at the ground floor level windows and lower at lower ground floor level windows. However, in terms of the first floor and second floor room windows, the barrier would be less effective.
9. With the acoustic barrier, appropriate glazing and mechanical ventilation, a 5 dB betterment of the internal standards of BS8233 for all 23 affected bedrooms would be achieved. However, it would require windows to be closed during delivery times and other various times in the day and evening due to the noise from the general operation of the brewery and pub. When windows are open, bedroom internal noise levels could exceed the recommended maximums. Therefore, to achieve ventilation and prevent overheating, mechanical ventilation would be required to all 23 bedrooms on the north west elevation of the building.
10. The Planning Practice Guidance (PPG) advises that 'for noise sensitive developments, mitigation measures can include avoiding noisy locations in the first place; designing the development to reduce the impact of noise from adjoining activities or the local environment; incorporating noise barriers; and optimising the sound insulation provided by the building envelope.' The appellant explains that the design and layout of the building has been reviewed since the previous appeal.
11. An Acoustic Design Statement (ADS), which is within the NA, has been prepared following guidance in the Planning and Noise Professional Practice Guidance (May 2017) (ProPPG) and PPG regarding acoustic design. The ADS indicates that the façade of the building facing the pub and brewery would need to be located 33 metres from the boundary of the site to avoid the need for noise mitigation entirely. Given that the site is approximately 42 metres wide at its widest part, this would leave limited land for development and would not be an efficient use of land.
12. The ADS indicates that a single aspect design was considered with no bedrooms on the north west elevation facing the pub and brewery, which would significantly

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<sup>3</sup> Planning and Noise Professional Practice Guidance (May 2017) and Noise Policy Statement for England (March 2010)

reduce the number of bedrooms. While I appreciate that the previous Inspector noted that a single aspect building with no rooms on the north western elevation would mean losing up to 34 bedrooms and result in that scheme being unviable, there is no substantive evidence before me relating to the physical and financial implications of a single aspect design to the appeal scheme. I am therefore unconvinced that the proposal presents the minimum possible or otherwise acceptable number of bedrooms on the north west elevation for a viable scheme.

13. While the appellant argues that the proposed scheme is already at the lower limit of financial viability, there is a notable lack of reliable evidence to demonstrate that the proposal would be unviable with less than 60 bedrooms. Equally, there is limited evidence to suggest that care homes with fewer than 60 beds are difficult to manage or inefficient in their operation. Reference has been made to the Care Quality Commission standards which are stated to require that facilities are delivered on a 'per floor level.' However, these standards have not been provided so it is unclear how they would affect the number of bedrooms proposed in relation to the viability of a care home at the site.
14. I appreciate that the appeal site has various constraints, requiring the design to respond to its context. The Council, as do I, have no issues relating to the design and appearance of the proposal. However, the appellant has not adequately demonstrated that viable options have been sufficiently explored to reduce the impact of noise from adjoining activities or the local environment as required by the PPG.
15. While hearing is shown to deteriorate with age, the Acoustic Ventilation and Overheating Residential Design Guide (January 2020) suggests that quieter noise standards may be necessary for care homes where conditions for daytime resting are known to be of particular importance. Furthermore, the PPG indicates that new noise sensitive development includes residential accommodation, hospitals and schools.
16. While there would be communal areas for residents to enjoy on the quieter south east elevation, some may wish to rest or reside in their bedrooms, particularly if they are unwell or seek a quieter or more private environment. Indeed, considering bedrooms would be the only private spaces for residents, it is likely they will often spend daytime hours doing so.
17. It is possible that many future residents could have severely reduced mobility so that opening and closing a window may be beyond their capability. However, this does not mean that they may not wish for a window to be open or closed but would be dependent on staff to do so. Moreover, there is little to show the affected bedrooms would likely only be occupied by people with such reduced mobility and there is no mechanism before me to control the occupancy of future residents to end-of-life care. I am therefore unconvinced that future residents will be largely bedbound or generally have a length of stay of 20 to 22 months.
18. The NA recommends that the care home operator have management procedures in place to ensure windows are closed and mechanical ventilation is used at the necessary times. While a management plan could be put in place to achieve this, and ensure 'fresh air' is provided, there is no certainty that it would be followed. A planning condition requiring such strict operational controls would neither be

enforceable or reasonable and would therefore not meet the Framework tests for a planning condition.

19. I appreciate that the care home would be staffed 24 hours a day, so staff could provide assistance to residents wanting to open or close a window. Staff could also help to reduce any possible noise complaints by closing windows at times of noise. However, staff may not always be able to provide timely assistance, particularly given the number of bedrooms that would be adversely affected by noise and other duties that they would have to undertake.
20. I acknowledge that the PPG advises that to help mitigate the risk of a statutory nuisance being found, development should be used as designed, for example, by keeping windows closed. However, it also states that where noise would cause a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during the periods when noise is present, it is undesirable for such exposure to be caused. While the number of bedrooms requiring mechanical ventilation has been reduced to 23 since the previous appeal, the proposal relies heavily on a considerable number of windows being closed at times of noise. This would include during morning delivery times and various times in the day and evening due to the noise from the general operation of the brewery and pub. Opening and closing of windows would represent a material change from expected behaviour.
21. I have been referred to a number of historic planning decisions concerning the site and other care homes permitted by the Council<sup>4</sup>. I have not been provided with the full details of all those decisions, but on the information before me I note significant differences between them and the proposal. The 2007 consent for residential development at the site was approved before the consent for the brewery so the noise environment was different. The 2 dwellings consented to the rear of the site are shielded by the existing buildings located in the east part of the site. In terms of the retirement apartments at Stafford Street, significantly less bedrooms require mechanical ventilation compared to the proposal. In the Oswestry example, the majority of the noise impacts were from traffic which is noise without a specific character.<sup>5</sup> The adjacent dental surgery is a materially different use to a care home which is more vulnerable to adverse effects from noise. These other planning decisions do not therefore lead me to find the proposal acceptable in respect of the main issue in this appeal. In any event, I have determined the appeal on its own individual planning merits.
22. Although mechanical ventilation has been used in several schemes in Shropshire and nationally, each development should be considered in terms of its context, the type and frequency of the noise source and the necessary mitigation required to achieve acceptable amenity for occupiers.
23. While I am advised that the operations of the adjacent brewery have not given rise to noise complaints, this does not confirm that noise is not a current issue. Indeed, the various detailed noise assessments confirm it would be a significant issue affecting future residents, even though the hours of operation of the adjacent pub and brewery are controlled by condition.

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<sup>4</sup> Ref NS/07/00460/FUL, 10/00968/FUL, 11/00973/FUL, 19/02964/FUL, 21/02720/FUL, 22/05070/FUL.

<sup>5</sup> BS8233:2014 states 'occupants are more tolerant of noise without specific character'.

24. Given the number of bedrooms affected and the duration and frequency that windows would have to be closed to maintain suitable internal noise levels, in this instance, the proposal would not provide an appropriate internal environment for future occupiers.
25. For the reasons given, the proposed development would not provide adequate living conditions for future occupiers with particular regard to noise. The magnitude of this harm would be significant in this context and cannot be mitigated in an appropriate manner. It would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS) and Policy MD2 of the Site Allocations and Management Development Plan (December 2015) (SAMDev). Amongst other matters, these policies seek to achieve sustainable design and safeguard residential amenity. It would also be contrary to the Framework where it states proposals should create a high standard of amenity for future users.

### **Other Matters**

26. The appeal site is located within Market Drayton Conservation Area (CA) and is proximate to several Grade II listed buildings. While not forming a reason for refusal, I must consider this matter in light of my duties under section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The Council raised no concerns regarding the CA or any listed buildings, and I do not disagree for the following reasons.
27. The significance of the CA is derived from its rich architectural, historical and cultural heritage reflecting the town's origins as a medieval market town. The CA contains a diverse range of buildings dating from the 15<sup>th</sup> to 21<sup>st</sup> Century in a tightly mixed urban layout. Great Hales Street contain two and three storey residential buildings set close to the road creating a continuous built frontage. The appeal site is partially vacant and currently does not contribute positively to the character or appearance of the CA. The design, form and scale of the proposed development would respect and complement the surrounding townscape. Overall, the character and appearance of the CA as whole would be preserved.
28. The appeal site lies opposite to Nos. 14, 16 and 16a Great Hales Street, Hesketh House and St Mary's and St Martha's Cottages. It is also to the east of Forge House. These are all Grade II listed buildings and serve as fine examples of traditional Georgian residences with the exception of Forge House which was constructed in the early to mid-19<sup>th</sup> century. While there would be intervisibility between the appeal site and the listed buildings, given the location and design of the appeal scheme, it would preserve the setting of the listed buildings, the significance of which would not be harmed.
29. No. 9 Great Hales Street and the Red Lion pub, to the east of the appeal site, are Grade II listed buildings of early 19<sup>th</sup> Century and late 18<sup>th</sup> Century respectively. Currently there is no boundary feature between the site and No 9. The appeal scheme includes a boundary wall which would separate the heritage asset from the proposed development, benefiting the understanding of its curtilage without affecting its setting. Its significance would therefore be preserved. The proposed scale and massing of the appeal scheme would also preserve the setting of the Red Lion pub and the contribution it makes to its significance.



30. To the west of the appeal site are Nos. 19-21 Great Hales Street. They are Grade II listed mid-17<sup>th</sup> Century timber framed houses. The appeal scheme would involve the demolition of the existing disused garage. An external boundary wall of the garage is attached to the listed building and would therefore need to be removed. The proposed development would be set away from the listed dwelling which would create a greater separation distance from the historic asset. Overall, the setting of the listed building would be preserved.
31. The appellant has referred to 'Policy DP1 Residential Mix' and 'DP Policy: Housing for older people and those with disabilities and special needs' of the Draft Shropshire Local Plan 2016-2038. The plan has been found unsound, although the Council has been given the opportunity to set out a programme of work to rectify the deficiencies. Nevertheless, in the circumstances, I only afford it little weight.

### **Planning Balance and Conclusion**

32. The appeal scheme would address a need for this type of residential accommodation in the Market Drayton area. The provision of a care home would have wider benefits including improved quality of life for most future residents and reduced pressure on, and associated cost savings for, health and social care services. The proposal would contribute to the overall supply of housing in the area within a location that is highly accessible by public transport and to a wide range of services and facilities. The scheme would utilise a brownfield site and make efficient use of land. It would also provide employment and contribute to the local economy during construction and in subsequent occupation directly and indirectly. In these regards, I note the Framework supports the development of small and medium sized sites in sustainable locations to make efficient use of previously developed land and significantly boost the supply of a mix of homes. Due to the scale of the scheme, I give these factors moderate cumulative weight in favour of the proposal.
33. Compliance with the development plan in relation to heritage, character and appearance, landscaping, the intrinsic architectural design of the proposed building, amenity of neighbouring occupiers, internal amenity space, parking, access, servicing, flooding, drainage, and ventilation are expectations for all development. These weigh neither for nor against the proposal and are therefore considered neutral in the planning balance.
34. The proposal would not provide adequate living conditions for future occupiers with regard to noise. In this case, this is a matter of significant weight. Accordingly, the significant adverse impacts of the proposal outweigh the moderate benefits of the scheme. The proposal would conflict with the development plan when considered as a whole.
35. The material considerations do not indicate that the appeal should be decided other than in accordance the development plan. For the reasons given above, the appeal should be dismissed.

*U P Han*

INSPECTOR



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## Appeal Decision

Site visit made on 7 January 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> February 2025

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**Appeal Ref: APP/L3245/W/24/3351197**

**Rose Cottage, Prees Green, Whitchurch, Shropshire SY13 2BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Don Carissimo against the decision of Shropshire Council.
  - The application Ref is 24/01875/PMBPA.
  - The development proposed is change of use of an existing redundant agricultural building into a one bedroom dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council assessed and determined the application for prior approval under the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 No. 579 (GPDO) which came into force on 21 May 2024. However, as the application that is the subject of this appeal was made before that date, I have determined this appeal in accordance with the GPDO that applied at the time the application was made. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
3. Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order 1987 (as amended), and the building operations reasonably necessary to convert the building. This is subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.
4. Schedule 2, Part 3, Section W of the GPDO outlines the prior approval process, and provides that a local planning authority may refuse an application where, in the opinion of the authority, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified as being applicable to the development in question.

## Background and Main Issues

5. The Council refused the application on the basis that insufficient information has been submitted to demonstrate that the appeal site is or was used solely for an agricultural use as part of an agricultural unit. Under paragraph Q.1.(a) of the GPDO, development is not permitted by Class Q if (a) the site was not used solely for an agricultural use as part of an established agricultural unit –
  - (i) on 20th March 2013, or
  - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
  - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins
6. Furthermore, the Council refused the application on the basis of failure to comply with paragraph Q.1(g) due to alterations to the appeal building undertaken within the last year.
7. Notwithstanding this, the Council also considered the proposal would fail to comply with paragraph Q.1(h) which indicates that development is not permitted where the development would result in external dimensions of the building extending beyond the external dimensions of the existing building at any given point unless, amongst other matters, (i) the development under Class Q(b) would result in an extension that has eaves the height of which exceed the height of the eaves of the existing building (iv).
8. Moreover, the Council refused the application on the basis that insufficient information has been provided to demonstrate the structural suitability of the building or the amount of work required to convert the building to a dwelling, thus failing comply with paragraph W(3)(b).
9. The Council's Decision Notice also referred to non-compliance with of the Q.1.(j) of the later version of the GPDO which was formerly paragraph Q.1.(i).
10. As explained above, my determination of this appeal is based on the GPDO that applied at the time the application was made. Therefore, those aspects of the case which rely upon the later version of the GPDO are not applicable in my determination.
11. Accordingly, the main issues in this appeal are whether the proposal would be permitted development by Article 3, Schedule 2, Part 3, Class Q of the GPDO having particular regard to:
  - whether the appeal site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or if the appeal building was not in use on that date, when it was last in use, (paragraph Q.1.(a)) and if so:
  - whether development under Class A (a) or Class B (a) of Part 6 of the GPDO has been carried out on the established agricultural unit (paragraph Q.1.(g));



- whether the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point Q.1.(h)); and
- whether sufficient information has been provided to demonstrate the structural stability of the building or the amount of work required to convert the building to a dwelling (paragraph W(3)(b)).

## Reasons

### *Agricultural Use*

12. The appeal site relates to a single storey brick building with a dual pitched roof. The site is located in the countryside with vehicular access via a driveway off the A49. The building is to the north of Rose Cottage which is a two-storey detached house. There is no dispute that the appeal building is not currently in agricultural use and based on my site visit I agree.
13. Schedule 2, Part 3, paragraph X of the GPDO states that 'agricultural building' means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business, and 'agricultural use' refers to such uses.'
14. The submitted Prior Approval Statement says that the appeal site was in use as an agricultural unit on 20 March 2013. Based on the submitted drawings, the extent of the stated agricultural unit follows the boundary of the appeal site.
15. Two animal health registration documents dated 1 and 8 July 2011 for pigs and sheep at the primary location of Rose Cottage have been provided as part of the appellant's evidence. However, animal health registration documents do not prove agricultural use on their own as livestock can also be kept as pets.
16. The appellant indicates that the appeal building, also known as Building C, was one of three buildings on the 'overall site.' Planning permission was granted to convert Building A in the wider site into a dwelling under Class Q at appeal<sup>1</sup>. The appellant indicates that the same 'agricultural certificates', which I infer are the animal health registration documents, were accepted. However, I do not have the full details that were before the then Inspector so cannot be certain the circumstances are the same and that there were no other factors or evidence which led to the determination that Building A was in agricultural use. In any event, I must determine this appeal on the evidence submitted.
17. As the animal health registration documents identify Rose Cottage as the primary location, it is unclear which building(s) the animals were specifically kept. If, as the appellant claims, the appeal site constituted its own agricultural unit, it would be separate to the agricultural unit relating to Rose Cottage. Based on the evidence before me, there is insufficient evidence to link the animal health registration documents to the appeal site. In any event, for the reasons explained above, animal health registration documents, do not by themselves, provide sufficient evidence of agricultural use. Furthermore, the documents which are dated 1 and 8 July 2011, do not provide sufficient evidence that the appeal site was in agricultural use on the 20 March 2013, or when it was last in use for agricultural purposes.

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<sup>1</sup> Ref APP/L3245/W/19/3220888.

18. The appellant indicates that the appeal site was used for rare breed pigs on a commercial basis and that the pigs were bred to provide bacon for a café. However, no evidence has been submitted relating to the purported trade or business operation.
19. Photographs of chickens and pigs in and around the appeal building have also been submitted. The appeal building can be seen in the background in one of the photographs. However, the photographs are not dated so I cannot be certain when they were taken. Similarly, the comment from the neighbour about feeding chickens in the building is not specific on dates only that this has taken place over the last few years.
20. The 1880 and 1972 Ordinance Survey plans submitted by the appellant show that the appeal building has existed for a very long time, but they do not confirm it was in agricultural use on the 20 March 2013, or when it was last in agricultural use.
21. The appellant says that there were old iron rings for tying up livestock in the appeal building. However, while they may have existed before, there is no evidence of when they were last used for tying up livestock.
22. Despite the appellant's claim that there were a few pigs on site briefly at the end of 2014, is it unclear when the appeal site was last in agricultural use due to the absence of information regarding the purported trade or business of rare breed pigs. This is important given the definition of an 'agricultural building' provided in Schedule 2, Part 3, paragraph X of the GPDO. In the absence of substantive evidence relating to the purported trade or business, it cannot be ascertained as to precisely when the stated agricultural use ceased. The stated presence of a few pigs on the site in 2014 does not provide sufficient evidence of agricultural use as defined in paragraph X of the GPDO.
23. Based on the limited evidence before me, I cannot conclude with certainty that the appeal site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or when it was last in use. Consequently, the proposal would not constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO.
24. As I have concluded that the proposal is not permitted development under Class Q.1(a) of the GPDO, it is not necessary for me to make any determination on Q.1(g), (h) and (i) of the GPDO.

### **Other Matters**

25. Whether the Council has been influenced by the Parish Council's views is not a matter for my consideration as I have determined the appeal only on the planning merits of the case.
26. The comment from the neighbour about feeding chickens in the building is not specific on dates only that this has taken place over the last few years.
27. The appellant's statement refers to the benefit of one additional dwelling. However, such matters fall outside the scope of the prior approval process and my determination of this appeal may rest only on the criteria set out in the GPDO.

**Conclusion**

28. For the reasons given above the appeal should be dismissed.

*U P Han*

INSPECTOR

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