

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

Date: Monday, 22 November 2021

**Committee:**  
**Southern Planning Committee**

**Date:** Tuesday, 30 November 2021

**Time:** 2.00 pm

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

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

There will be some access to the meeting room for members of the press and public but this will be limited for health and safety reasons. If you wish to attend the meeting please e-mail [democracy@shropshire.gov.uk](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.

The meeting can be viewed live via Microsoft Teams using the link below. The recording will be made available on you tube, this will be made accessible from the web page for the meeting shortly afterwards.

<https://shropshire.gov.uk/SouthernPlanningCommittee30November>

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

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

Tim Collard  
Interim Assistant Director – Legal and Democratic Services

**Members of the Committee**

David Evans (Chairman)  
Robert Tindall (Vice Chairman)  
Caroline Bagnall  
Andy Boddington  
Nick Hignett  
Richard Huffer  
Hilary Luff  
Nigel Lumby  
Richard Marshall  
Tony Parsons

**Substitute Members of the Committee**

Julia Buckley  
Nigel Hartin  
Heather Kidd  
Kevin Pardy  
Dave Tremellen  
Claire Wild

Your Committee Officer is:

**Tim Ward / Ashley Kendrick**     Committee Officer

Tel:        01743 257713 / 01743 250893

Email:     [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk) / [ashley.kendrick@shropshire.gov.uk](mailto:ashley.kendrick@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive any apologies for absence.

## 2 Minutes (Pages 1 - 4)

To confirm the minutes of the South Planning Committee meeting held on 5 October 2021

Contact Ashley Kendrick (01743) 250893.

## 3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 2.00 pm on Friday, .

## 4 Disclosable Pecuniary Interests

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

## 5 Footbridge Farm Tasley Bridgnorth Shropshire WV16 5LZ (17/01033/EIA) (Pages 5 - 98)

Erection of four poultry buildings incorporating air scrubbing units, with feed bins, one gate house, one boiler house and circular water tank; and associated infrastructure and landscaping scheme (amended description)

## 6 Proposed Affordable Dwelling North Of Jays Farm Hope Bagot Shropshire (18/02384/FUL ) (Pages 99 - 124)

Erection of affordable dwelling and installation of septic tank (revised scheme)

## 7 The Aspire Centre Burford Shropshire WR15 8HE (21/03438/COU) (Pages 125 - 136)

Change of use of the Aspire Centre building from Use Class F1 (learning and non-residential institution) to Use Classes E(e), E(g), B2 and B8

## 8 Quercus Domus, Pond Lane Hanwood, Shrewsbury, SY5 8JR (21/03707/VAR) (Pages 137 - 146)

Variation of condition 2. to allow for amendments to the existing garage

## 9 Schedule of Appeals and Appeal Decisions (Pages 147 - 160)

## 10 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 11 January 2022 in the Shirehall.

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## Committee and Date

Southern Planning Committee

2<sup>ND</sup> NOVEMBER 2021

## **SOUTHERN PLANNING COMMITTEE**

### **Minutes of the meeting held on 5 October 2021**

**2.00 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Tim Ward

Email: tim.ward@shropshire.gov.uk      Tel: 01743 257713

### **Present**

Councillor David Evans (Chairman)

Councillors Robert Tindall (Vice Chairman), Caroline Bagnall, Andy Boddington, Nick Hignett, Richard Huffer, Nigel Lumby, Tony Parsons, Geoff Elner (Substitute) (substitute for Richard Marshall) and Gerald Dakin (Substitute) (substitute for Hilary Luff)

### **51 Apologies for Absence**

Apologies for absence were received from Councillor Hilary Luff (Substitute: Councillor Gerald Dakin) and Councillor Richard Marshall (Substitute: Councillor Geoff Elner).

### **52 Minutes**

The minutes of the meetings held on 7<sup>th</sup> September 2021 and 20<sup>th</sup> September 2021 had been circulated.

### **RESOLVED:**

That the Minutes of the meeting of the South Planning Committee held on 7<sup>th</sup> September 2021 and 20<sup>th</sup> September 2021 be approved as a correct record and signed by the Chairman.

### **53 Public Question Time**

There were no public questions.

### **54 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.

### **55 Proposed Affordable Dwelling Land West of Greenway Head Burford Shropshire (21/02749/FUL)**

The Principal Planner introduced the application which was for the erection of an affordable dwelling (single plot exception site) with detached garage for the occupation by a named individual with an identified local housing need, and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

Richard Amphlett made a statement against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committee which was read out by the Committee Solicitor.

Councillor Peter Stubbs made a statement on behalf of Nash Parish Council in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Richard Huffer, local Ward Councillor made a statement in support of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Members:

- accepted that the applicant had a recognised local need.
- felt that the proposed design was acceptable and would not visually detract from and spoil the open countryside.

**RESOLVED:**

That contrary to the Officer recommendation planning permission be granted, and that delegated authority be given to Officers to agree a section 106 agreement to ensure the property remained affordable in perpetuity and to ensure the access route remains available for that property, and to apply conditions as necessary to include:

- Materials
- Landscaping
- Drainage
- Residential floor area limit
- Withdraw of permitted development rights
- Ancillary use of garage only
- External lighting
- Provision of bat and bird boxes

Members felt that the applicant had an identified local need, and that the site formed part of a dispersed settlement making it compliant with policy. They also felt that the design was sympathetic with its surroundings and would not have an adverse effect on its surroundings.

## **56 Salop Sand & Gravel Supply Co Ltd Gonsal Quarry Condover Shrewsbury Shropshire (21/03846/EIA)**

The Principal Planner introduced the application which was for the formation of a southern extension; new extraction beneath existing lagoons and progressive restoration for a period of 6 years (re-submission), and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

Members' attention was drawn to the information contained in the schedule of late representations.

Sarah Lean-Williams made a statement against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committee which was read out by the Committee Solicitor.

Councillor Edward Marvin, on behalf of Condover Parish Council, made a statement against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Dan Morris, local Ward Councillor, made a statement against the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Richard Parton, owner, made a statement in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Liam Tolland, Planning Consultant, made a statement in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members acknowledged:

- that the application was a resubmission which had been brought to committee on 16<sup>th</sup> March 2021.
- that there had been no objections from Highways, Ecology, Conservation, Archaeology, Arboriculture or Drainage departments.

Concerns were raised regarding the amount and size of HGVs on the road at peak times; namely school drop-off and pick up times due to the geometric nature of the road network.

### **RESOLVED:**

That in accordance with the Officer recommendation planning be granted subject to the conditions and legal obligations set out in Appendix 1, and additional conditions seeking agreement of the applicant to limit the size of lorries using the site and avoiding the despatch of vehicles from the quarry during peak drop-off and pick-up times for Condover School (30 minute intervals).

## **57 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 5<sup>th</sup> October 2021 be noted.

**58 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday 2<sup>nd</sup> November 2021 in Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....





Committee and date
Southern Planning Committee
30 November 2021

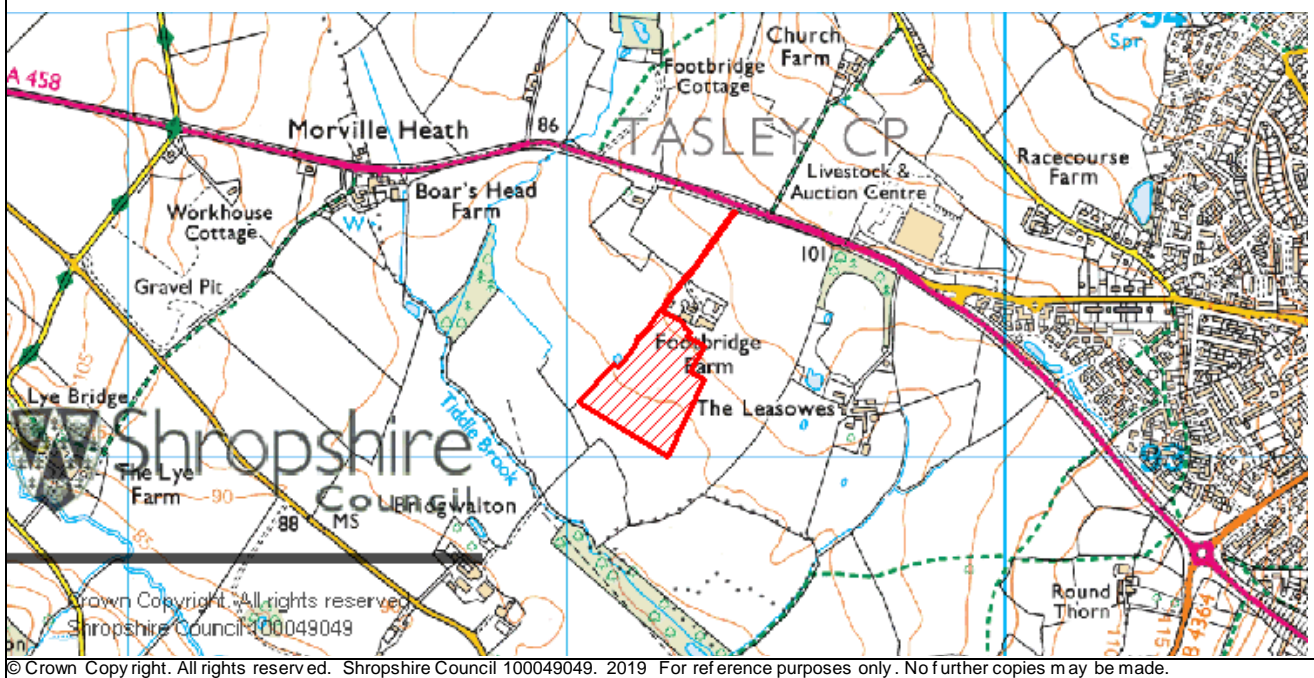
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 17/01033/EIA	<b>Parish:</b>	Tasley
<b>Proposal:</b> Erection of four poultry buildings incorporating air scrubbing units, with feed bins, one gate house, one boiler house and circular water tank; and associated infrastructure and landscaping scheme (amended description)		
<b>Site Address:</b> Footbridge Farm Tasley Bridgnorth Shropshire WV16 5LZ		
<b>Applicant:</b> Mr M Bower		
<b>Case Officer:</b> Kelvin Hall	<b>email</b> : kelvin.hall@shropshire.gov.uk	

**Grid Ref:** 369337 - 293339



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

## REPORT

### A BACKGROUND

A.1 This planning application for a poultry rearing development at Footbridge Farm, Tasley was considered by the South Planning Committee on 29th August 2017. Following discussion, Members resolved as follows:

That, as per the Officer's recommendation, delegated authority be granted to the Planning Services Manager to grant planning permission, subject to:

- The conditions as set out in Appendix 1 to the report, subject to conditions being amended to ensure that any external surfaces of the development shall be BS18B29, and any other amendments deemed necessary.

A.2 Planning permission for the development was granted on 1st September 2017. This decision was subject to a legal challenge brought by a resident of Bridgnorth, first made in October 2017. The claim was dismissed by the High Court in 2018. Following an appeal into this decision, a subsequent judgment was handed down by the Court of Appeal (CoA) in May 2019 which quashed the planning permission.

A.3 The legal challenge was brought in relation to likely effects of odour and dust arising from the spreading of manure that would be produced by the poultry operation. Due to its scale and nature the proposed development requires an Environmental Impact Assessment (EIA) to be undertaken. The EIA regulations require that this assesses the direct and indirect effects of the proposal. The planning application was accompanied by an Environmental Statement (ES). Whilst this included a manure management plan the CoA found that it did not include a meaningful assessment of the effects of odour and dust from the storage and spreading of manure. The CoA's judgment was that the EIA was therefore deficient. Furthermore, the CoA considered that the then proposed manure management plan was not a satisfactory mechanism to control pollution arising from the spreading of manure on land owned by third parties.

A.4 Following this judgment the application has been remitted for re-determination by the local planning authority. Two significant amendments have been made to the application from that considered in 2017. The first is that it is no longer proposed that the manure arising from the operation is spread on farmland. Instead, it is now proposed that the manure arising would be transported to an anaerobic digester plant or other licensed waste disposal facility. The second modification is that it is now proposed that air scrubbers would be installed on the poultry buildings. These would significantly reduce emissions of ammonia from the proposed operation. The sections below set out the details of the application and the relevant considerations.

### 1.0 THE PROPOSAL

1.1 The planning application seeks permission for the erection of four poultry rearing buildings and associated buildings and infrastructure including feed and wood pellet bins, a gate house, a boiler house, and a water tank. Each of the proposed buildings would house up to 52,500 birds, with a combined total of 210,000 birds. Each poultry building would measure approximately 94 metres x 25 metres with an eaves height of 3.95 metres and a ridge height of 7.4 metres. They would be of steel portal frame

construction, with the walls and roof externally clad in polyester coated profile sheeting. Each building would have an attached air scrubber unit at the eastern end, measuring approximately 7 metres x 25 metres x 7.5 metres high.

1.2 Other plant and building proposed are as follows:

- Eight feed bins, to be located in two groups of four adjacent to the poultry sheds, each measuring 3.7 metres in diameter x 7.5 metres high;
- A gate house, measuring 12.5 metres x 9.5 metres with an eaves height of 2.6 metres and a ridge height of 3.4 metres;
- A boiler house measuring 18 metres x 10 metres with an eaves height of 6 metres and a ridge height of 7.4 metres;
- Two adjacent wood pellet bins, each measuring 3 metres in diameter and 6 metres high;
- A water tank measuring 7 metres in diameter and 3 metres in height.

1.3 The buildings and feed bins would be coloured juniper green. The boiler house would contain a biomass boiler to provide hot water for the buildings. Ventilation for the proposed buildings would be provided by high velocity ridge fans, and gable fans for hot weather. A landscaped mound would be formed to the south-west of the proposed buildings. Beyond this there would be a surface water attenuation pond. Landscape planting would be undertaken within and around the site. Access to the poultry development would be via the existing farm access track that connects directly to the A458.

1.4 Production process: The poultry unit would produce standard birds. They would be brought to the buildings as day old chicks and reared for 38 days. At the end of this period the birds would be removed and the buildings would be cleaned out. This would include the removal of manure which would be exported off-site, and the washing out of the buildings. Wash water would be drained to a sealed concrete dirty water tank that is emptied by tanker. Cleaning out and preparation of the buildings for the incoming flock would take place over a 10 day period, hence the operation is based on a 48 day cycle which results in 7.5 flocks per annum. Wastes generated as part of the process would include approximately 2,288 tonnes per annum of poultry manure; approximately 150,000 litres per annum of dirty water from the air scrubbers; and approximately 228,000 litres per annum of dirty water from the washing out process. These wastes would be collected and transported to a licensed disposal facility.

1.5 Construction phase: The construction phase would take place over approximately 20 weeks.

## 2.0 **SITE LOCATION/DESCRIPTION**

2.1 The application site is located immediately to the south-west of the existing farm buildings at Footbridge Farm, approximately 620 metres to the west of the edge of the built-up area of Bridgnorth. It is bounded to the north-west by a hedgerow and to the north-east by the farm buildings. Land surrounding the site is in agricultural use. The proposed development site covers an area of approximately 4.2 hectares. It was formerly in use as an arable field. Following the grant of planning permission (which was subsequently quashed) for the poultry units, the site was levelled in preparation for building works. This included a cut and fill operation to provide a level platform. A low

earth bund has been formed at the south-western side of the site.

- 2.2 Other than the applicant's residence, the nearest dwellings are Footbridge House, approximately 245 metres to the north-west; The Leasowes, approximately 290 metres to the east; Leasowes Farm, approximately 340 metres to the east; and Bridgwalton Farm, approximately 445 metres to the south-west. The two Leasowes properties are both Grade II listed buildings.
- 2.3 There are two parcels of land to the north east of the application site that are allocated for development in the Council's adopted Site Allocations and Management of Development (SAMDev) Plan. One is allocated for mixed use development including residential, hotel and health and fitness uses. The other is allocated for residential development. The nearest of these is approximately 410 metres to the north east of the proposed poultry farm site (at the site of the existing livestock market). In addition a parcel of land located approximately 430 metres to the east of the proposed development is allocated as an employment site to comprise offices, industrial and warehousing uses. Beyond this a site is allocated for the relocation of the existing livestock market. A planning application (part outline and part full) has recently been submitted for development of these allocated areas. The outline application is for (access only for consideration) mixed use development of up to 550 dwellings, foodstore, neighbourhood centre, B2/B8 business use, 'sui generis' uses to include hotel, public house, petrol filling and electric vehicle charging station, livestock market, lairage and ancillary uses, green infrastructure and associated ancillary works, demolition of the existing livestock market. The full application is for a five arm roundabout, spine road south of A458 and north of A458 with associated footway/cycleways and landscape verges, formation of junction with the spine road and Church Lane, upgrading of existing Livestock Market, drainage, associated earthworks, infrastructure and ancillary works. The application is currently undetermined.
- 2.4 The draft Shropshire Local Plan proposes that an area of land to the south-west of Bridgnorth is allocated for development comprising a 'comprehensive mixed-use sustainable urban extension'. The draft plan refers to this as the Tasley Garden Village. This proposed land allocation encompasses part of the application site for the current broiler development, and also some surrounding land. Further details are provided in Section 6 below.

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

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

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

##### **4.1.1 Tasley Parish Council Objects.**

Comments 6/5/21 – reiterates its opposition to the application following amendments made to the application on 5th March 2021.

TPC maintain that the proposal to add scrubbers, will not be sufficient to make an application, which is fundamentally flawed, any more acceptable. The addition of scrubbers will not be enough to mitigate the material concerns raised by the local community about dust, odour and air quality.

Of the 678 public objections to this application, 468 contained fears about air quality, odour etc. including dust particles and ammonia.

The Parish Council notes that SC's Environmental Protection (EP) function has raised issues about the applicant's odour and noise assessments in its commentary, dated 18 March 2021, and has asked that further work be done and for the applicant to provide additional information.

TPC are concerned therefore, amongst many other things, with EP's statement that "The inclusion of scrubbing technology to each shed proposed renders all previous comments and conclusions on the application from any party in respect of air quality, odour, noise, bioaerosols produced from the sheds invalid."

TPC remain concerned about the potential of detrimental impact of the proposal on residential and commercial amenity, future developments, pollution levels in Tasley, Bridgnorth, and surrounding communities, and the natural environment.

TPC would advise that the lack of information about documented effectiveness of the proposed scrubbers in reducing odour emissions, and the potential for fugitive emissions, gives rise to material concerns about the potential for adverse impacts and the appropriateness of such a development in this location.

TPC would wish to be consulted again once the issues raised by Shropshire Council have been responded to fully by the applicant.

The Parish Council are further concerned that should the facility be built, a breach of regulations concerning the management of the facility might occur. By the time the complainants have contacted the appropriate regulatory body and that body has carried out an investigation and taken any necessary enforcement action, residents might have to experience unacceptable nuisance and detriment to their lives.

Shropshire Council will be aware of the recent case in Staffordshire, which was reported on the National Television news, concerning a breach of controls at a landfill rubbish facility. This caused considerable distress to neighbouring residents until the authorities were able to take action to prevent the breach. Furthermore, if a breach reoccurs, residents have to repeat the whole complaints procedure again. The risk of a breach of this nature arising at the IPU proposed for Footbridge Farm and the likely consequences for the nearby residents is too high for this site to be considered suitable for an installation of this nature.

The Parish Council would also like to remind the Planning Authority that this long standing application continues to ignore the following pertinent issues:

1. Details accounting for the disposal of all of the manure and other waste generated

by the proposed facility.

2. Proximity of Grade 2 listed Buildings to the site.
3. The harm to SSSI/AW.
4. Paucity of economic benefits to the Parish.

The repeated failure to fully and comprehensively address these issues must demonstrate that the application is unsound and should be refused.

As TPC put forward in its previous commentary on this application, instead of approving yet more IPUs creating yet more waste that threatens the health and wealth of communities across the county, SC would be better served working to transition agriculture away from factory chicken farms towards more diverse and sustainable use of land. The Draft Shropshire Local Plan could contain provisions which look favourably on developments that meet national climate change objectives and still benefit Shropshire and its people.

Previous comments:

- Industrial livestock units cause environmental and health problems
- Adverse impact on emergency climate measures, plans for housing and economic development initiatives
- No-one will want to live next to a chicken farm
- No comments of support received since application was remitted
- The number of objections reflect the strength of feeling
- Should be moratorium on industrial livestock units and review the policies
- SC should not fear any legal sanctions if application is refused; the environmental and health impacts are valid reasons for rejecting it
- Application should be deferred until the long term use of land at Tasley has been decided on in Local Plan review process
- legal issues – application was remitted in an attempt to circumvent the ramifications of the 2019 Squire judgment
- SC claim that the legal case was lost on a technicality was not true
- EA regulatory issues: EP is limited in its scope; EA will not satisfactorily safeguard the environment nor public health and wellbeing beyond the site boundary; will not cover effects of disease from increasing human antibiotic resistance from industrial poultry medicated feed or transfer of highly pathogenic avian influenza viruses from poultry to humans or hazardous PM2.5 particulates or foul odour and toxic dust beyond the site boundary;
- FOI request has identified that there are IPUs unable to achieve emissions levels in their Eps
- Reports of rise in the number of serious breaches of EPs but a reduction in prosecutions
- SC and EA have different screening thresholds and guidance
- Statutory consultees have not carried out a full and thorough assessment of effects on the environment, relying on NPPF guidance on separate regulatory regime to abrogate their duty of care
- Inadequate landscape and visual impact assessment undertaken, which downplays impacts
- Destination of manure is not known; application has underestimated manure production by a factor of 74%

- No scrubbers are proposed so the proposal does not represent Best Available Techniques, so it will be operationally substandard
- ES does not mention Wenlock Rise development of over 300 houses and children's play areas is 600 metres downwind, or established business complex just 500 metres downwind, nor SAMDev land allocated for over 500 houses; or farmhouse 95 metres away
- Prevailing winds will spread untreated exhaust air over Tasley and Bridgnorth and surrounding communities; generation of 4000 tonnes of manure; emission of 7 tonnes of ammonia and daily toxic dust and obnoxious odours
- Not true that dust problems cannot occur 280 metres away; PM10 and PM2.5 particulates can travel many kilometres; harmful to human health, particularly young and vulnerable; will react with illegally high levels of nitrogen dioxide pollution in Bridgnorth; serious Covid 19 viral disease is higher in patients in air polluted areas
- Antibiotic and disease issues; link between highly pathogenic avian influenza viruses and intensified poultry production systems; link between long-term exposure to air pollution and risk of dying from Covid 19
- PHE quote from a 15 year old long archived position statement; PHE is biased in favour of the applicant
- Dr Bull has found the applicant's consultants models deeply flawed; issues relating to Newbridge Farm in Somerset under special measures due to odour
- Economic harm; IPUs exempt from paying rates and community infrastructure levy; indirect costs from HGV traffic
- Long term viability of factory farmed poultry is already questionable; chicken consumption is in decline
- Damage to ecological sites; Planning Inspectorate decision on Cruckmeole Fm IPU shows SC Ecology not taking legal cases into account; SC Ecology's comments are unsound
- Conflict between site and Tasley Garden Village; risk that the IPU could still be built should the TGV employment units not go ahead; proposal is premature until the long term use of the land has been decided
- SC's decision to deal with the application under the 2011 EIA regulations directly benefits the applicant as they don't have to spend more time and money making it compliant with the stricter 2017 regs
- SCs actions and inactions have demonstrably favoured the applicant; no example of where SC has favoured the community

#### Comments 1/7/19

Requests effective monitoring and enforcement of UK regulations in respect of particulate matter PM10 and EU/worldwide regulations for particulate matter PM2.5. States that Shropshire Council has a duty to ensure a clean air environment throughout the county. Considering the proximity of the development to existing and future housing, requests that air quality measurements are made both prior to start up and after the farm is in full production mode to identify if any degradation of air quality occurs such that any necessary countermeasures can be implemented before human health is affected.

Requests effective monitoring and enforcement of EA/Defra regulations in respect of storage of chicken waste at Footbridge Farm and the management and disposal of this waste.

Requests effective monitoring, control and enforcement of odour, traffic and noise in line with UK and EU regulations.

Understands that the concerns about spreading manure on adjoining farm land may have been addressed but the need to monitor air quality, noise, traffic movements and odour are still highly pertinent to the revised application. Seeks assurances that suitable control and monitoring will be implemented in the event of the application being approved.

#### Comments 25/6/19

Unanimously objects to the application for a chicken factory at Footbridge Farm. The council are concerned for the health and wellbeing of the people of Tasley. We know (from the experience of other chicken factory farms in the UK e.g. East Huntspill in Somerset) that the modelling used to predict the coverage of odour underestimates the spread and intensity of smell.

The odour in Tasley on day 40 (the shed clean out day) will be very unpleasant but our main concern is that where there is smell there is ammonia. The applicant's own ammonia report says that ammonia levels at SSSIs and Ancient Woodlands will exceed the Shropshire Council criteria.

Ammonia does not stay in the atmosphere for too long but unfortunately for long enough to produce PM2.5 particulates. The government's Clean Air Strategy says that these particles stay in the air for much longer and travel large distances. Human health is at risk with PM2.5 particulates. They bypass the body's natural defence systems and enter the lungs, the blood stream and organs.

The government's Clean Air Strategy, with regard to PM2.5 particulates, says that the most likely to be affected are:

- those suffering from lung and heart disease,
- elderly people,
- pregnant woman and their unborn babies, and
- the very young.

Shropshire Council have a duty of care of the health of the people of Tasley. There is an EU and national objective to reduce ammonia concentrations in the atmosphere. The National Emissions Ceiling Regulations 2018 that came into force on 1/7/2018 incorporated the Directive 2016/2284 into UK law. This application does not conform to this regulation. There is a requirement for planning applications to ensure compliance with paras 180 and 181 of the NPPF February 2019. The Footbridge Chicken factory application does not meet this requirement.

The amount of waste product generated has been underestimated and the vehicle loads are overestimated to create a gross underestimation of vehicle movements. The new proposal for disposal of manure creates more problems than it resolves. The load on the highways – at Footbridge farm, at Bitterley and all B roads along the route - is underestimated and trivialised.



Finally, the impact on the narrow tracks and public rights of way at Bitterley does not comply with Core Strategy Policy CS7. This application is ill thought out and is a serious risk to the health of the people of Tasley.

Comments made following submission of revised information:

Tasley Parish Council unanimously objects to the application for a chicken factory at Footbridge Farm. The council are concerned for the health and wellbeing of the people of Tasley.

We know (from the experience of other chicken factory farms in the UK e.g. East Huntspill in Somerset) that the modelling used to predict the coverage of odour underestimates the spread and intensity of smell.

The odour in Tasley on day 40 (the shed clean out day) will be very unpleasant but our main concern is that where there is smell there is ammonia. The applicant's own ammonia report says that ammonia levels at SSSIs and Ancient Woodlands will exceed the Shropshire Council criteria.

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The amount of waste product generated has been underestimated and the vehicle loads are overestimated to create a gross underestimation of vehicle movements. The new proposal for disposal of manure creates more problems than it resolves. The load on the highways – at Footbridge farm, at Bitterley and all B roads along the route – is underestimated and trivialised. Finally, the impact on the narrow tracks and public rights of way at Bitterley does not comply with Core Strategy Policy CS7.

This application is ill thought out and is a serious risk to the health of the people of Tasley.

**4.1.2 Morville Parish Council (adjacent parish approximately 120 metres to the south)**

No comments received.

**4.1.3 Bridgnorth Town Council (nearby council, the boundary of which is approximately 1km to the east of the site) Objects.**

Comments 24/3/21

- Note that the Environmental Protection function has raised issues about the applicant's odour and noise assessments (18th March 2021);
- request that further work is done and additional information provided;
- remain concerned about the potential impact of the proposal on residential amenity, pollution levels in Bridgnorth, and the natural environment;
- wish to be consulted again once the issues raised by Environmental Protection's comments have been responded to by the applicant;
- lack of information about documented effectiveness of the proposed scrubbers in reducing odour emissions, and the potential for fugitive emissions, gives rise to significant concerns about the potential for adverse impacts and the appropriateness of such a development in this location.

#### Comments 10/7/19

- reiterates concerns about the proposed development but notes that it is not now proposed to spread the manure generated by the operation of the Livestock Unit as fertiliser;
- notes that Shropshire Council introduced interim guidance on how it would assess the impact of ammonia emissions from Livestock Units in April 2018, and that the government's Clean Air Strategy published in January 2019 identified ammonia pollution as presenting a risk of biodiversity loss and potentially impacting human health (in particular where high levels of Nitrogen Dioxide pollution is present). The Council further noted that the revised Ammonia Report projects that there would be an increase in atmospheric ammonia concentrations in residential areas to the West of Bridgnorth Town and at Thatcher's Wood and Westwood Covert SSSI. The Council is concerned that the impact of the additional ammonia concentrations on the built up area of Bridgnorth (and in particular Bridgnorth Pound Street AQMA) and at Thatcher's Wood and Westwood Covert SSSI has not, at present, been assessed and that no avoidance or mitigation measures are currently proposed.

#### Comments 24/8/17

Objects to the application.

- In view of the sensitivity of this application and the concerns expressed by residents, Bridgnorth Town Council supports the request from Tasley Parish Council that the environmental information submitted be independently reviewed;
- Bridgnorth Town Council considers that the following concerns warrant refusal of the application as currently presented.

-

2.1. Compliance with policy CS5 (Countryside and Green Belt).

2.1.1. In relation to this proposal, the relevant policy implication appears to be:

"New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Subject to the further controls over development that apply to the Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to..... Agricultural/ horticultural/ forestry/ mineral related development, although proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts" (Explanatory note: 4.74 Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural/

horticultural/ forestry/ mineral related development, including livestock production units, poultry units, greenhouses/ poly tunnels and mineral extraction, can have significant impacts and will not be appropriate in all rural locations.)

2.1.2. The Town Council notes that the proposal would generate 1.5 full-time jobs.

2.1.3. There is no clear statement of why the proposed development is appropriate for this particular location, other than current ownership, and that consideration needs to be given to appropriateness of the location in view of the potential significant impacts of such a development close to the settlement boundary of a large Town.

2.1.4. There is limited availability of arable land locally suitable for the spreading of manure due to the site's location immediately adjacent to a built up area, and the proposal involves the transport of manure to distant locations under production by the applicant and to as yet unidentified locations. This casts doubt upon the suitability of the location.

2.1.5. The development is located close to an existing employment site (Bridgnorth Livestock Market), residential areas of Tasley, and areas which have been scheduled for development under SAMDev. The proximity of proposed development to sites allocated for future housing and employment development may be considered to reduce the desirability of the neighbouring sites for future development and to jeopardise their viability. This suggests that this type of development may be inappropriate at this location.

## 2.2. Compliance with policy CS6 (Sustainable Design and Development Principles)

2.2.1. The policy sets out a basic objective and a number of actions which Shropshire Council will take to achieve the objective. The basic objective is "To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change."

2.2.2. One of the detailed statements is that this will be achieved by "Requiring all development proposals, including changes to existing buildings, to achieve applicable national standards, or for water use, evidence based local standards as reflected in the minimum criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that resource and energy efficiency and renewable energy generation are adequately addressed and improved where possible. The checklist will be developed as part of a Sustainable Design SPD".

The application does not appear to address energy efficiency and we note that it does not address the potential for renewable energy generation through solar panels.

2.2.3. A further detailed statement is that the policy will be achieved by ensuring that all development "Is designed to be adaptable, safe and accessible to all, to respond to the challenge of climate change and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11".

The stated design life of the buildings is 50 years but the application does not appear to address adaptability (for example, in the event of changes in practices in the poultry industry) or the effects of climate change.

2.2.4. The policy requires that all development "Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local

design guidance, landscape character assessments and ecological strategies where appropriate"

We do not consider that the development protects, restores, conserves or enhances the natural environment. In particular, although the application includes a landscape character and visual impact assessment it does not clearly demonstrate (e.g. by modelling views) what the visual impact of the proposal would be.

2.2.5. The policy requires that all development "Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities." There are several concerns over whether the proposal either complies or has been demonstrated to comply:

- There is no obvious positive contribution to the health and wellbeing of the settlement of Bridgnorth, and there are concerns over potential negative impacts (albeit that many of those concerns are related to activities which would be controlled by the environmental permit regime).

- There is the potential for adverse health impacts from dust emissions, which could require the submission of a risk assessment to the Environment Agency and may require mitigating measures to be adopted. The applicant has not quantified dust emissions or dispersion. This issue is addressed in the Environment Agency's EPR 6.09 Sector Guidance Note for Intensive Farming, Chapter 11. In many locations it would appear not to be necessary to do so unless there are sensitive receptors within 100m of the site. However, the guidance does suggest that achievement of the PM10 objectives should be related to existing background levels and notes that "Poultry sheds located in rural areas where background levels are relatively low are less likely to exceed the AQS objective than poultry sheds located near urban areas and busy roads and motorways where levels of PM10 are already quite high". The site is located within approx. 310m of the A458, roughly 500m of Bridgnorth Livestock Market, 650m from the commencement of the built up area of Tasley at the western extremity of the Wenlock Rise estate, and roughly 2 km from an existing Air Quality Management Area at Pound Street, Bridgnorth. This may indicate that background levels of PM10 should be ascertained and the impact of emissions from the poultry units considered alongside the background levels. Concerns expressed by local residents also suggest that PM2.5 emissions should be considered.

- The proposal involves the generation of chicken manure, which is proposed to be used as a fertilizer both in the locality and through export to other locations. Manure spreading on the locality could be detrimental to the residential amenity of Tasley and Bridgnorth. In particular, one of the locations at which it is proposed to spread manure (field 2078, sheet SO7093) is immediately adjacent to existing housing. Spreading at this location could not be considered good practice and in any event the field is scheduled for housing development as part of SAMDev site BRID020a and may not be available longer term.

- Odour management has been considered, in relation to emissions from the Poultry sheds only. The spreading of litter on fields in the locality would provide additional and contemporaneous sources of odour emission. We do not consider that this should be regarded as separate from the day to day operations of the poultry houses and the overall impact on residential and local amenity should be considered. Further, consideration should be given to any existing background levels of Ammonia.

- Biosecurity is a potential concern. It must be assumed that the operation of the site and transport of birds and manure would be carried out in a manner which seeks to

prevent the flock's exposure to pathogens and the distribution of any. However whilst the risks may be normal for this type of activity and managed accordingly, the consequences of any breakdown in biosecurity could be greater than would be experienced in other locations. Sensitive locations nearby include the resident human populations of Tasley and Bridgnorth, Bridgnorth Livestock market and its lairage, and the flock of utility White Wyandotte chickens at Boars Head Farm (which is the only breeding flock of this species in the world and as such is an important and irreplaceable reservoir of genetic material).

- Residents have expressed concern over the potential for increased levels of flies and vermin. It is understood that these would be site management issues, particularly in relation to the storage of used litter prior to its use as fertilizer. The operation would produce in excess of 2,000 tonnes of used litter a year; it is understood that this would be loaded directly onto vehicles for transport offsite prior to eventual usage as fertilizer, but it is not clear where litter which is proposed to be used at Footbridge Farm and nearby holdings would be stored.. This storage is stated as required to be sheeted, but there are no indications as to where on site the storage would take place. This should be stated and consideration given to a condition about the storage of the material.

2.2.6. The policy requires that all development "Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination"

Whilst the proposal does include landscaping, there is no clear statement of how this will mitigate the visual and landscape impact (or contribute to dust and odour management) and it is thus not possible to determine whether this is optimal.

2.2.7. The policy requires that all development "Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water".

We note that the site appears to be Grade 3 farmland, which would normally be considered "High quality".

3. The Council requests that consideration be given to clarifying the explanatory note (4.74) to policy CS5 to explain the basis for identifying rural locations where "larger scale agricultural/ horticultural/ forestry/ mineral related development" may not be appropriate, or adopting appropriate supplementary planning guidance in relation to such development close to a settlement boundary, during the current Local Plan Review.

#### 4.1.4 **Ditton Priors Parish Council (nearby Parish Council)**

Comments made 23/7/19

Requests that if the application is successful there is a traffic management plan enforced taking all traffic between the farm and anaerobic digester site via the B4368 Corvedale Road to Craven Arms and then via the A49 to Bitterley.

#### 4.1.5 **Bitterley Parish Council (nearby Parish Council)**

Comments made 2/10/20

While Bitterley Parish Council has no direct involvement in the planning application submitted to Tasley Parish Council we have been made aware that it is proposed that

chicken manure from the chicken farm, if approved, would be disposed of by means of trucks transporting the waste material on a regular basis to a site adjacent to Bitterley Court.

This would not be acceptable in that it is envisaged that the shortest route from Tasley would be via Bridgnorth along the B4364 towards Ludlow and then the A4117 to Bitterley Lane to Bitterley village. The latter is a narrow road of about 2 miles with sharp bends and blind spots that twice a day is busy with parents taking their children to and from school.

Moreover, the B4364 is signed as unsuitable for through-HGV traffic (which would be the case for these trucks) on account of its narrow width and pinch points and weak bridges en route).

Use of Bitterley Lane would also involve trucks passing through the village, alongside the school and crossing a narrow bridge followed by several blind bends before they reached their destination. Although there is an alternative route from the A4117 not far away that involves passing through a farm and there is a steep descent with no passing places before reaching Bitterley Court.

There are also concerns not just for Cleestanton lane. If they come in from Cleestanton, the B4364 past Peter Martins ( I believe that lane does not have a name), or the A4117 from Henley, it all would have to pass the school and the Bridge Cottage bridge which would take it. As is correctly stated all have blind bends.

The route from the A4117 from Angel Bank is also fraught with problems. The lane is already destroyed in places and I doubt that bridge would take the punishment. What we call Church lane, past the Church is already in a complete mess and a terrible state and will take no more.

All the lanes are used by walkers, cyclists, horse riders etc. and there are little in the way of refuges.

The bridge at Hillupncote has to be maintained by BR, now I assume Network rail, should they not have a say?

While not relevant to the application the big problem is why was planning permission given for a digester in such an inaccessible position. Everywhere else in the country they have to have good access. Assuming it has permission, are there any restrictions on it?

For all these reasons we maintain that the destination site for the waste manure is unsuitable and that alternative means or locations for disposal should be considered.'

#### Comments made 12/819

Bitterley Parish Council wishes to comment on application 17/17/01033/EIA for a chicken factory farm at Tasley only in respect of the potential routes that could be taken by lorries for the disposal of the manure from Footbridge Farm Tasley to an anaerobic digester plant (a.d.) at Bitterley Court as certain routes have the potential to impact

adversely on two important areas of Bitterley Parish.

The Planning Committee representatives of our Council have met and considered the various route options that might be taken and have as a result made the following observations and conclusions which we ask be taken into account when the application is considered by Shropshire Council.

Should Shropshire Council be minded to approve the application the Parish Council recommends that the following transport considerations be taken into account:

Of all the possible routes the most suitable between the A458 at Footbridge Farm Tasley to Bitterley Court we believe would exclude the B4364 as it passes through the middle of Middleton village (part of Bitterley Parish) and has been officially designated as unsuitable for HGVs throughout its entire length between Bridgnorth and Ludlow.

The most suitable route we believe would be the one already designated by Shropshire Council Highways and is also signed by Highways England for HGVs travelling between the A49 and Bridgnorth and vice versa and that is the B 4368 through Corvedale.

From the A49, we suggest in order to avoid the narrow lanes leading to and through Bitterley village that the A4117 road to Kidderminster be followed from Rock Green roundabout on the A49 near Ludlow for a short distance but, ignoring the first left turn to the B4364 and the second left at Henley opposite Henley Hall (signposted Bitterley) as the lane is very narrow all the way to the village (about a mile) and frequently used by residents and parents transporting their children to and from Bitterley Primary School as well as by agricultural vehicles.

A much better alternative is to continue a short distance further along the A4117 in the direction of Clee Hill until another left turn for Bitterley is reached which, although still narrow, is much shorter, avoids the centre of the village, and provides easy access to the a.d. at Bitterley Court. (Obviously the same recommendations also apply to HGVs operating in the reverse direction).

#### 4.1.6 **Environment Agency** No objection.

##### Comments 16/3/21

The below comments should be read in conjunction with our two previous responses.

**Environmental Permitting Regulations:** As previously stated, the proposed development will accommodate up to 210,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2016, as amended.

The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents. The EP will include the following key areas:

Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.

- Operations - including permitted activities and Best Available Techniques (BAT).
- Emissions - to water, air and land including to groundwater and diffuse emissions, odour, noise and vibration, monitoring.
- Information – records, reporting and notifications.

Footbridge Farm has been issued with a Permit (ref: EPR/YP3932DT for up to 210,000 broilers and a 1.021MWth biomass boiler.

We note the latest revisions include changes to the location along with amended odour, noise and ammonia reports and Air Scrubber specification details. We welcome the submitted information and can confirm that the Footbridge Farm Permit will require a variation to take into account the use of gable end scrubbers. The use of scrubbers is defined as BAT and should help to remove a significant proportion of dust and ammonia pollutants from the exhaust air.

Comments 14/5/20:

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

The OMP should help reduce emissions from the site, but it will not necessarily completely prevent all odour and noise. A Management Plan should set out the best available techniques that the operator intends to use to help prevent and minimise odour and noise nuisance, illustrating where this is and is not possible. There is more information about these management plans at:

<https://www.gov.uk/government/publications/intensive-farming-introduction-andchapters>

A management plan may not necessarily completely prevent all odours, or noise, or at levels likely to cause annoyance. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level. In addition, the OMP requirement is often a reactive measure where substantiated complaints are encountered. This may lead to a new or revised OMP to be implemented and/or other measures to be in place.

Intensive farming is by its nature a potentially odorous activity and complaints concerning this type of site are not unknown. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance: ([www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297084/geho0110brsb-e-e.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf)), which acknowledges that there is likely to be odour outside of the installation boundary, and that the appropriate measures for this sector prevent and where that is not possible minimise these odour emissions.

The Environment Agency's overarching approach for all installations is to ensure adequate controls are in place for sites with the potential to cause odour pollution



beyond the installation boundary. The OMP covers both point source and potential fugitive odorous emissions from an installation and is based on the foundation of a bespoke risk assessment for each particular installation as discussed below.

Condition 3.3 of the Permit reads as follows:

Odour: Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

Under section 3.3 of the guidance, as stated above, an OMP must be approved as part of the permitting process if sensitive receptors (in this instance excluding properties associated with the Installation) are within 400 metres of the installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400 metres of the installation to prevent, or where that is not practicable, to minimise the risk of pollution from odour emissions.

The Applicant's H1 risk assessment for odour provided with the Application lists key potential risks of odour pollution beyond the Installation boundary, along with the measures taken to manage the risk. The activities, or foreseeable problems with activities, that have been identified as having the potential to generate odour include as follows:

- Selection of feed;
- Feed delivery and storage;
- Ventilation, heating and dust;
- Poor litter management;
- Carcass disposal;
- Used litter;
- Fugitive emissions and clean out operations.

Odour Modelling: Odour modelling for the intensive farming sector has high uncertainties associated with it. These uncertainties increase when considering receptors near to an Installation. This is due to a number of reasons including variability of odour concentrations being high for this sector. This, along with the uncertainties inherent in any modelling, makes predictions made by the model unreliable for making permit determination decisions.

Our current stance is that where intensive farming units which are sites of high public interest (SHPI) and which are subject to complaints should be required to produce an odour management plan (OMP), which is a more robust, detailed OMP than would normally be required to provide extra controls, including, but not limited to, enhanced contingency plans, to minimise any significant odour pollution at sensitive receptors beyond the installation boundary. In the case of Footbridge Farm we had not considered the permit application to be a SHPI.

For this application a satisfactory OMP has been produced and odour modelling has not been requested from the Applicant.

Note: We do not necessarily regulate all sources of odour associated with a site and only to certain levels. For example, we cannot control emissions from feed lorries/vehicles. For the avoidance of doubt, we do not directly control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters. However a management plan may address some of the associated activities both outside and inside the installation boundary.

Ammonia modelling: The Environment Agency carry out a service for applicants whereby we use an ammonia screening tool to check whether or not ammonia modelling is required under our guidance. In this case, the total process contribution of relevant intensive poultry farms regulated by the Environment Agency, 'screened out' the need for further assessment, in our role as competent authority on the EP.

Specifically only one relevant statutory habitat (Thatchers Wood & Westwood Covert SSSI) was within 5 kilometres of the proposed farm and it screened out from requiring ammonia modelling. One Local Wildlife Site (The Lye Woods) and one ancient woodland (Aston Hill Woods) also screened out from requiring ammonia modelling.

Earlier comments 23/7/19:

Environmental Permitting Regulations: The proposed development will accommodate up to 210,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2016, as amended.

The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents. The EP will include the following key areas:

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

Footbridge Farm has been issued with a Permit (ref: EPR/YP3932DT) for up to 210,000 broilers and a 1.021MWth biomass boiler.

Our consideration of the relevant environmental issues and emissions as part of the EP only apply to the proposed poultry installation and where necessary any Environment Agency regulated intensive farming sites.

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

With regard to 'cumulative impact', we only undertake a screening approach based on the potential impact of intensive poultry farms regulated by the Environment Agency.

The same approach applies to cases when detailed ammonia modelling may be required to determine the risk to nature conservation sites.

There may be other poultry or livestock farms not regulated by the Environment Agency in the area which could be considered with respect to any 'in combination assessment' and HRA in your competent authority role for the planning application.

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

Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

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

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

A management plan may not necessarily completely prevent all odours, or noise, or at levels likely to cause annoyance. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level. In addition, the OMP/NMP requirement is often a reactive measure where substantiated complaints are encountered. This may lead to a new or revised OMP/NMP to be implemented and/or other measures to be in place.

Note - We do not necessarily regulate all sources of odour and noise associated with a site and only to certain levels. For example, we cannot control noise and emissions from feed lorries/vehicles.

For the avoidance of doubt, we do not directly control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters. However a management plan may address some of the

associated activities both outside and inside the installation boundary.

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

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

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

A dust management plan (DMP) will be required, similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in 'assessing dust control measures on intensive poultry installations' (available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297093/geho0411btra-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/geho0411btra-e-e.pdf)) explain the methods the operator should use to help minimise and manage these emissions.

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

Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, sludge, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted.

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

Manure Management (storage/spreading): Under the EPR applicants are required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. Permitted farms are required to regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. More information may be found in appendix 6 of the document titled

“How to comply with your environmental permit for intensive farming.”  
<https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields. In cases where the applicant proposes to pass the manure to a third party they are required to keep quantity records of where the by-product has been transferred to and have a contingency plan in place for alternative disposal or recycling sites in cases of an emergency.

However, in this instance, the revised Environmental Statement (dated June 2019) confirms that the applicant has been issued with an Environmental Permit and that the manure will be removed from the site for disposal though the Anaerobic Digester at Warhill Farm in Bitterley. No manure will be stored or spread at Footbridge Farm. Warfill Farm current operates under an Environmental Permit (Ref: EPR/DB3907FW) which allows the treatment of up to 100 tonnes per day of agricultural manure. The Environmental Agency would regulate and control emissions to land, air and water at Warhill Farm, which is currently within the permitted waste quantity limits.

Section 9.12 of the revised Environmental Statement does reference a contingency for the removal of manure should Bitterley not be available. However you may wish to seek greater detail on this matter and more robust contingency to ensure that there is always an available location for the manure.

Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Vulnerable Zone (NVZ) Rules where they are applicable, in line with Nitrate Pollution Prevention Regulations. Further NVZ guidance is available at: <https://www.gov.uk/guidance/nutrient-management-nitrate-vulnerable-zones>. We also regulate Nitrate Vulnerable Zone (NVZ) compliance. This is undertaken as part of a farm visit or any potential notified operational breach.

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

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

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

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

4.1.7 **Natural England** No objection.

Comments 23/3/21 following amendments

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 05 July 2019. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Natural England has not assessed this application for impacts on protected species. Natural England has published standing advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Comments of 5/7/19

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Thatcher's Wood and Westwood Covert Site of Special Scientific Interest: Based on

the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. This is because detailed modelling has demonstrated that the proposed development will be within the thresholds deemed insignificant by the Environment Agency.

Natural England notes your authority's planning policy for intensive livestock units has more stringent requirement for considering intensive livestock units.

Natural England would also advise that the Air Pollution Information System indicates that this designated site is above all of its relevant Critical Loads for air Quality indicating high background levels of air pollution. APIS also indicates that the amount of ammonia affecting this designated site has an increasing trend. We would therefore recommend that you consider the cumulative / in-combination impacts associated with this proposal.

Review of air quality impacts: Natural England is currently reviewing how we provide air quality advice on likely impacts. As part of this review, future thresholds and distance criteria may change based on evidence and recent case law.

Natural England offers the following additional advice:

- Landscape: reference to the NPPF advice on the need to protect and enhance valued landscapes through the planning system
- Best and most versatile agricultural land and soils: Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.
- Guidance on soil protection: recommend use of Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites
- Protected Species: advise that Natural England's standing advice should be referred to
- Local sites and priority habitats and species: impacts of the proposed development on any local wildlife or geodiversity sites should be considered, in line with NPPF and any relevant development plan policy; may also be opportunities to enhance local sites and improve their connectivity
- Ancient woodland, ancient and veteran trees: impacts should be considered in line with NPPF
- Environmental enhancement: Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF; NPPF mitigation hierarchy should be followed
- Access and Recreation: proposals to incorporate measures to help improve people's access to the natural environment are encouraged
- Rights of Way, Access land, Coastal access and National Trails: development should consider potential impacts
- Biodiversity duty: Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat.



#### 4.1.8 **SC Ecology** Recommends conditions.

##### Comments 17/5/21

It is considered that the contributions of additional ammonia and nitrogen resulting from the proposed development are unlikely to cause significant adverse effects on any designated wildlife sites. Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

##### **Designated sites and ammonia emissions**

International designated sites: There are no international sites (SACs, SPAs or Ramsar sites) within 10km of the proposed poultry unit. Internationally designated sites have been screened out of further assessment and a Habitats Regulations Assessment is not required.

National designated sites: There are two Sites of Special Scientific Interest (SSSIs) within 5km of the development site.

Devil's Hole, Morville SSSI lies approximately 1.8km to the west. This SSSI was designated for its geological features. As these are not sensitive to ammonia emissions, no further consideration is required.

Thatchers Wood and Westwood Covert SSSI and Ancient Woodland (AW) lies approximately 2.5km to the south-east of the new buildings.

Natural Assets: There are two Natural Assets within 2km of the development site. The Lye Woods Local Wildlife Site (LWS) lies approximately 1.6km to the west of the site. Aston Hill Woods AW lies approximately 1.8km to the west of the site. The Lye Woods LWS is referred to as 'Underton Plantation LWS' in the relevant lichen assessment. Aston Hill Woods AW is referred to as 'Meadlowley Hill' AW in the relevant lichen assessment and in the 2019 ammonia modelling report. Aston Hill Woods AW is referred to simply as 'AW'92 in the 2021 ammonia modelling report.

Ammonia modelling: The Environment Agency (EA) have issued an Environmental Permit for 210,000 broiler places. At the time of the 2017 decision on this proposed development, Shropshire Council followed the EA thresholds for ammonia and nitrogen deposition on designated wildlife sites (used by the EA to determine applications for Environmental Permits). However, the permitting system is separate to the planning system, with some overlap but different remits. Following recent case law, published research, and the need to deal with developments which can impact on both sides of the border with Wales (Natural Resources Wales uses different thresholds to the EA), Shropshire Council issued its own interim guidance: Shropshire Council Interim Guidance Note GN2 (Version 1, April 2018). The Interim Guidance Note uses different thresholds to the EA.

Both the 2019 and the 2021 ammonia modelling reports modelled the impacts of the proposal on Thatchers Wood and Westwood Covert SSSI and AW and Aston Hill



Woods AW but did not model the impacts on The Lye Woods LWS, even though the LWS partly overlaps the AW and is a little closer to the proposed poultry unit.

To reduce the process contributions of ammonia emissions and nitrogen deposition, 4 Inno+ air scrubbers will be erected on the eastern elevation of each of the proposed poultry sheds. The DLG Test Report states that ‘In the test, the exhaust air cleaning system achieved an average ammonia separation rate of around 91 %.’

The 2021 ammonia modelling report takes account of the proposed air scrubbers on the buildings. The following table shows the modelled process contributions (PCs) of ammonia emissions and nitrogen deposition from the proposed poultry unit on Thatchers Wood and Westwood Covert and Aston Hill Woods. For both of the sites, a Critical Level (CLE) of  $1\mu\text{g-NH}_3/\text{m}^3$  and Critical Load (CLO) of 10 kg-N/ha/yr were used.

Site name and designation	PC of predicted ammonia ( $\mu\text{g-NH}_3/\text{m}^3$ )	PC as a %age of CLe	PC of predicted N deposition (kg-N/ha/yr)	PC as a %age of CLo
Thatchers Wood and Westwood Covert SSSI and AW	0.005	0.5%	0.04	0.4%
Aston Hill Woods AW	0.011	1.1%	0.08	0.8%

As mentioned above, The Lye Woods LWS hasn't been modelled. In previous comments, Sue Swales (SC Ecology) refers to an email from Kevin Heede from the EA (dated 7th April 2017) which included the EA's Ammonia Screening Assessment. I have not seen this Ammonia Screening Assessment; the Ammonia Screening Tool assessment (September 2016) included with the planning application documents does not include any figures. The figures Sue Swales used (from this Ammonia Screening Assessment) in her previous comments are shown in the following table. A Critical Level (CLE) of  $1\mu\text{g-NH}_3/\text{m}^3$  and Critical Load (CLO) of 10 kg-N/ha/yr were used.

Site name and designation	PC of predicted ammonia ( $\mu\text{g-NH}_3/\text{m}^3$ )	PC as a %age of CLe	PC of predicted N deposition (kg-N/ha/yr)	PC as a %age of CLo
The Lye Woods LWS	0.219	21.9%	1.136	11.36%

These figures don't take account of the inclusion of air scrubbers on the buildings. If we apply the suggested 91% reduction of emissions with the use of the scrubbers then the process contributions would be as follows:

Site name and designation	PC of predicted	PC as a %age of CLe	PC of predicted N	PC as a %age of CLo
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	<b>ammonia (<math>\mu\text{g-NH}_3/\text{m}^3</math>)</b>		<b>deposition (<math>\text{kg-N/ha/yr}</math>)</b>	
The Lye Woods LWS	0.0197	1.97%	0.10	1%

This is inaccurate as it hasn't been modelled but we can be confident that the emissions will be much lower than the first calculations when incorporating scrubbers.

In-combination and cumulative assessment of impacts: Neither of the ammonia modelling reports considered in-combination impacts. In previous comments, SC Ecology identified one site to be considered in-combination. This was Eudon Burnell Farm free range egg unit (17/03214/FUL) which contributed to emissions affecting Thatchers Wood and Westwood Covert SSSI and AW.

I have not repeated the in-combination assessment here because the process contributions are so low (<1%) with the use of air scrubbers.

Thatchers Wood and Westwood Covert SSSI: With the use air scrubbers, detailed modelling predicts a rise in the ammonia concentration reaching Thatcher's Wood and Westwood Covert of  $0.005 \mu\text{g-NH}_3/\text{m}^3$  (or 0.5% of the CLe) from the proposed poultry unit. For nitrogen deposition the increase is  $0.04 \text{ kg-N/ha/yr}$  (or 0.4% of the CLo). These figures are based on the most precautionary values for CLe and CLo.

It is considered that these relatively small contributions of additional ammonia and nitrogen are unlikely to cause a significant adverse effect on Thatcher's Wood and Westwood Covert SSSI and AW, bearing in mind that the background is already 2.46 times the Critical Level (CLe) and 3.56 times the Critical Load (CLo).

The proposed landscaping, maintenance and management (shown on the Landscaping Proposals drawing) will provide additional screening and ammonia removal for much of the year, once trees have grown. The Landscaping Proposals should be conditioned for the lifetime of the development.

Aston Hill Woods AW and The Lye Woods LWS: With the use air scrubbers, detailed modelling predicts a rise in the ammonia concentration reaching Aston Hill Woods of  $0.011 \mu\text{g-NH}_3/\text{m}^3$  (or 1.1% of the CLe) from the proposed poultry unit. For nitrogen deposition the increase is  $0.08 \text{ kg-N/ha/yr}$  (or 0.8% of the CLo). These figures are based on the most precautionary values for CLe and CLo.

For The Lye Woods LWS, a rough estimate of the increase in ammonia (with the use of scrubbers) is  $0.0197 \mu\text{g-NH}_3/\text{m}^3$  (or 1.97% of the CLe) and for nitrogen deposition the increase is  $0.10 \text{ kg-N/ha/yr}$  (or 1% of the CLo)

The lichen assessments of Aston Hill Woods and The Lye Woods found these sites to be generally lichen poor, with significant eutrophication from background nitrogen pollution evident. Because of this, Sue Swales considered that a Critical Level (CLe) of  $3\mu\text{g-NH}_3/\text{m}^3$  rather than  $1\mu\text{g}$  could be used, which would reduce the process contribution even further.

It is considered that these relatively small contributions of additional ammonia and nitrogen are unlikely to cause a significant adverse effect on Aston Hill Woods AW and The Lye Woods LWS.

As above, the proposed landscaping, maintenance and management will provide additional screening and ammonia removal for much of the year, once trees have grown.

#### **Airborne emissions from biomass boilers**

The EA permit states 'Operation of 1 biomass boiler with a thermal rated input not exceeding 1.021 MW, for site heating requirements, burning biomass fuel not comprising waste or animal carcasses.' Table S2.1 states that the fuel will be 'Biomass chips or pellets comprising virgin timber, straw, miscanthus; or a combination of these.'

SC Ecology have checked for the presence of ecological receptors for airborne emissions in the vicinity of the biomass boilers, based on these details. No designated wildlife sites or ancient woodland are present within the screening distance required. This application has therefore screened out of the need to model NO<sub>x</sub> or SO<sub>2</sub> emissions.

#### **Other ecological considerations**

The pond approximately 250m to the east was subject to great crested newt eDNA analysis in June 2017 and again in June 2019. No evidence of great crested newt presence was recorded during either analysis and no further survey work is required.

Ecologically interesting features on site, such as the hedgerow, the isolated oak tree and the small copse will be retained *in situ*. Lighting will be designed so that it does not have a negative impact on nocturnal species.

Any removal of vegetation should ideally take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

The following working methods should be followed to protect common amphibians, reptiles and small mammals that may enter the site during the works:

- Removal of potential refugia should be carried out by hand between March and October when the weather is warm.
- Vegetation clearance should take place in stages to allow animals time to move away from the site.
- The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.
- Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.
- Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.
- Any common reptiles or amphibians discovered should be allowed to naturally disperse.
- Advice should be sought from a suitably qualified ecologist if large numbers of

common reptiles or amphibians are present.

- If a hibernating hedgehog is found on the site then it should be covered over with a cardboard box and a suitably qualified ecologist contacted for advice.
- If a great crested newt is discovered at any stage then all work must immediately halt and a suitably qualified ecologist contacted for advice.

Should any works to the mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.

Two bat boxes, two bird boxes and two hedgehog boxes should be installed in the small copse adjacent to the site and/or on the isolated oak tree.

The proposed landscaping, maintenance and management (shown on the Landscaping Proposals drawing) will provide enhancements for local wildlife.

#### Conditions and informatives

Should the planning officer be minded to approve this application, it is recommended that conditions and informatives are included on the decision notice, to cover the following matters: landscaping; restriction on number of birds; Construction Environmental Management Plan; provision of wildlife boxes; external lighting plan; nesting birds informative; wildlife protection informative; bats and trees informative (see Appendix 1).

#### 4.1.9 **Historic England**

20/7/17 No specific comments. Makes the following general comments.

We refer you to the following published advice which you may find helpful in determining the application: The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning: 3. July 2015. We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

18/6/19 No additional comments to add following submission of revised Environmental Statement.

#### 4.1.10 **SC Conservation** No objections subject to conditions.

##### Comments 22/10/21

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

Following our previous comments on the above mentioned application, further

information has been provided in relation to odour and noise effects from the proposed development on nearby receptors including the Grade II listed The Leasowes and the Grade II listed Former Farmhouse at The Leasowes. This additional information has been reviewed and understood with further reference to comments by Shropshire Council Public Protection.

It is noted that the impact from noise is considered to be low and below recommended background levels for the receptors including the closest listed buildings. Taking on board the relevant conclusions in relation to the impact of noise upon the receptors of the nearby listed buildings, it is considered that the development would not result in a harmful impact upon the setting of the listed buildings due to noise as they would not breach normal background levels.

The impact from odour will be below the relevant guidance levels save for one small area of garden to The Leasowes where the level will be slightly above guidance levels. However, it is noted that this property is served by a substantial garden area the majority of which is considered to be below the recommended levels and the small area with slightly elevated odour concentrations may only be subject to such levels 2% of the time. Taking this into account the enjoyment of the setting of the listed building will not be impacted to the degree that would affect the significance of the listed building in this instance. The impact upon other nearby listed buildings from odour will be below guidance levels and as such will not impact upon their setting and significance in this regard.

Comments 23/3/21

The amended plans submitted do not alter our previous conservation comments in this instance.

Comments 18/6/19: No additional comments to add following submission of revised Environmental Statement.

Comments 3/7/17: I have reviewed the amended Heritage Statement and consider its contents and conclusions to be acceptable. If the development is to be approved I would appreciate conditions relating to materials (particularly finishes/colours) and landscaping to be added.

Comments 7/4/17: In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS5 Countryside and Greenbelt, CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the erection of 4 poultry buildings of approximately 94m x 24m in footprint and 6.4m in height to ridge, 8 feed bins of approximately 7.6m in height, 1 gate house building of 12.5m 9.5m in footprint and 3.4m in height to ridge, 1 boiler house of 18m x 10m in footprint and 7.38m in height to ridge and 1 water tank of 3m in height. The total site area of the development is 5 hectares. The proposed

poultry buildings and associated structures are to be located to the south west of the existing farmstead at Footbridge Farm. Footbridge Farm is located to the west of the town of Bridgnorth and consists of a traditional farmhouse and former traditional farmstead that has been expanded/built over with modern farm buildings. The farmstead is recorded on the Shropshire Historic Environment Record as follows: Footbridge Farm, a farmstead first identified and classified by the Historic Farmsteads Characterisation Project, 2008 & 2010, (ESA6427), largely from the digital version of the c.1900 OS large scale mapping. Description: Regular Courtyard U-Plan. Additional Plan Details: Covered Yard. Date Evidence from Farmhouse: 19th Century. Date Evidence from Working Building(s): None. Position of Farmhouse: Farmhouse set away from yard. Farmstead Location: Isolated. Survival: Farmhouse only survives. Confidence: High. Other Notes: Large modern sheds on the site of the historic farmstead are either obscuring the historic buildings or may have destroyed them. Modern farm. Very short returns on the RCu, with small covered yard, covering half the yard.

The farm lies close to the edge of Bridgnorth town in a relatively open landscape, albeit screened from the road. The nearest farmstead to the site, known as The Leasowes contains two grade II listed buildings and has the potential to be impacted by this development due to its close proximity. A heritage impact assessment has assessed the impact upon The Leasowes and other heritage assets within a 1km radius of the site. The assessment concludes that: the development would not cause any direct or indirect physical impact on known heritage assets and allowing for appropriate mitigation, the proposed development will have no permanent adverse residual effect on the cultural heritage of the application site and its environs. These conclusions are generally concurred with however it is considered that the proximity to The Leasowes makes the relationship between the site and the listed buildings located there to be important and landscaping and mitigation measures should take this into account.

The proposal has the potential to have an adverse impact upon the landscape character of the area. However, this is not something which the Historic Environment Team can advise on. We would therefore recommend that Development Management consider obtaining the opinion of an appropriately qualified landscape professional.

- 4.1.11 **SC Archaeology** Following the submission of additional information the archaeology team have confirmed that the archaeological condition of the planning permission (now quashed) has been met and fully discharged (ref: 17/04991/DIS), and that they have no further comments to make on this application in respect of archaeological matters.

Background (comments provided 14/3/17)

The proposed development lies in an area rich in archaeological remains of the prehistoric through to the post-medieval periods. A desk-based archaeological assessment of the proposed development (Castlery Archaeology, Report No. 569, November 2016) submitted with this application has concluded that while there is no firm evidence of archaeological remains within the application site, the proximity of known sites indicates a low to moderate potential for archaeological remains to be present on the application site, and recommends a mitigation strategy to allow for a programme of archaeological work. We concur with this assessment.

In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. The first phase of this programme of archaeological work should comprise a geophysical survey of the site; subject to the results of the geophysical survey, targeted trial trenching of any anomalies identified may be required. This will determine the extent of any further mitigation, though this is likely as a minimum to comprise an archaeological watching brief.

4.1.12 **Landscape – landscape consultants** Recommends a condition.

Further comments 29/3/21 Having reviewed the Allan Moss LVIA Addendum, the revised landscape drawings and the DAS, I can support the position in the LVIA that the proposed extensions are not considered to be sufficient to warrant any change to the LVIA (Rev A) assessment for the effects on landscape and visual receptors.

Landscape drawing 1477.03B has been amended, but only to show the proposed air scrubber units and the content of the landscape proposals remains unaltered.

Earlier comments: The Council's landscape consultant, ESP Ltd., has undertaken a review of the submitted Landscape and Visual Impact Assessment (LVIA), and their findings are summarised as follows:

The submitted LVIA concludes that the proposed development will generate adverse landscape and visual effects with a level ranging from minor/moderate to negligible. No beneficial effects are predicted. No effects are predicted to be significant.

Our review concludes that the LVIA has been carried out in compliance with Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3), and that the three recommendations made in our August 2019 review of the LVIA have been adequately addressed. As a result, we believe that its findings are reliable. It is recommended that if permission is granted a condition requiring that a soft landscape scheme to be submitted and approved is imposed.

The Council's landscape consultant have also carried out a review of two objection reports submitted by the Tasley Action Group and consider that the objections made on landscape and visual grounds are not substantiated.

4.1.13 **Public Health England** No significant concerns.

Comments made 15/10/20: Having reviewed the letter dated 31st July 2019 [PHE's original comments], we don't believe we have any further information that would change the content of this consultation response. Certainly the position statement on the public health impacts of poultry farms, prepared by the Health Protection Agency in 2006, hasn't changed and the lines developed until that paper is updated remain valid in terms of the current view of the evidence.

At this stage, unless the applicant submits further evidence to support their application, we don't currently foresee the need for us to undertake another full review of our

previous response.

Comments made 31/7/19 No significant concerns.

We have reviewed the application documents with respect to the potential public health impact of the proposals and provide our comments below, these relate solely to documentation supplied to us.

We understand that the application relates to the proposed construction of four fan ventilated poultry houses of equal size, with a combined capacity of approximately 210,000 broiler places. The applicant has stated that the proposed new houses will be constructed to comply with the latest best available techniques (BAT) recommendations.

The site is located in a predominately rural location, approximately 1 kilometre to the west of Bridgnorth. The closest residential land use is Footbridge House, approximately 280 metres to the north west of the proposed poultry houses; further public receptors are located at Leasowes which is approximately 330 metres to the east of the proposed site.

Based solely on the information contained in the application provided, we have no significant concerns regarding risk to health of the local population from this proposed variation, providing that the applicant takes all appropriate measures to prevent or control environmental emissions, in accordance with industry best practice.

The predecessor to PHE, the Health Protection Agency, prepared a position statement on the public health impacts of poultry farms, which can be found at the following website link:

[https://web.archive.org/web/20130803074658/http://www.hpa.org.uk/webc/HPAwebFile/HPAweb\\_C/1194947378905](https://web.archive.org/web/20130803074658/http://www.hpa.org.uk/webc/HPAwebFile/HPAweb_C/1194947378905)

In order to operate we note that this process has the requirement for an Environmental Permit. We understand that this was issued by the Environment Agency (EA) in April 2017. PHE was consulted by the EA with respect to the environmental permit application in February 2017.

The Health Protection Agency's position statement, viewable via the link above, notes that intensive farming installations "are likely to be of a low public health impact", and concludes as follows:

"Intensive farms may cause pollution but provided they comply with modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities. The Agency, not least through its role in advising [Primary Care Trusts] and [Local Health Boards], will continue to work with Regulators to ensure that this sector does not contribute significantly to ill-health."

4.1.14 **SC Public Protection** Recommends conditions.

Comments 25/6/21

Final Regulatory Services comments on application 17/01033/EIA.



### Noise

The noise assessment provided is considered to be acceptable; it has considered noise sources likely to be running for a considerable length of time or which may occur at more sensitive times, it has aggregated noise levels where appropriate, it has considered appropriate receptors at appropriate distances.

The assessment finds cumulative noise from the site in the day is likely to be below background at all receptors and concludes a low noise impact. The assessment finds that noise in the evening period will also be below background. The conclusion for noise impact in the day is accepted even when considering uncertainty.

At night, between 2300 – 0700 hours, the highest rating level is assessed to be 34dB. Given the low background levels at this time it is within the parameters of guidance to consider the absolute noise levels rather than the noise level above background. As it would be expected that residents would be inside at this time it is reasonable to consider noise internally once passing through an open window. When considering this it is noted that internal noise levels would be significantly below good standards for internal noise in any room. Maximum noise would be below 45dB inside bedrooms. Relevant guidance states this would be acceptable. As such the impact of noise at night is considered to be low and the conclusion of negligible impact on sleep is accepted.

Overall, the impact of noise is concluded to be low with headroom to ensure any uncertainties in modelling should they be realised on the ground would not result in a different opinion.

### Odour

An odour assessment has been produced. It has demonstrated through appropriate modelling the likely impact at nearby sensitive receptors. Appropriate guidance has been referred to. The model is considered appropriately conservative and robust.

It is recognised that the farmhouse associated with the proposal will be impacted by levels of odour above guidance values. Given the financial interests of this dwelling in the proposal this is considered reasonable.

Modelled odour level provided show that at all receptors except for a small area of one garden area at The Leasowes, will be exposed to odour less than guideline concentrations. Part of The Leasowes garden area will have odour concentrations slightly above the guidance level however it is noted that the garden is of significant size and has many areas below the guidance level for the average year. It is important that the guideline level is a 98<sup>th</sup> percentile level. This means that for 98% of the time odour would be expected to be less than this level.

The odour concentrations stated are an average of 4 years of data. This means that some years odour levels may be higher while on others they will be lower which is an acceptable position in respect of considering land use suitability. The extent of variation is not offered by the applicant.

Given the odour levels modelled and having audited aspects of the model it accepted that the impact of odour at nearby non-linked premises will be low.

It is recommended that the number of chickens to be housed, the number of cycles in a year, the use of the abatement technology at all times indicated in the report (from 11 days onwards) are all elements which are conditioned to ensure odour levels predicted are expected in practice.

In addition, it is recommended that shed cleaning out procedures are conditioned to ensure that ventilation is on, only one shed is cleaned out at a time and that suitable weather conditions and timings are used where possible e.g. avoid hot still periods with a slight breeze towards receptors (conditions that may increase potential impact) and weekends and bank holidays (times when receptors may be particularly susceptible to odour).

#### Manure produced

All manure produced has been accounted for disposal be recognised appropriate methods. Anaerobic digestion is a source of renewable energy and adds to the credentials of the scheme. The product at the end of digestion is not considered to be significantly malodorous and spreading of this product is not likely to generate impacts on any receptors in the vicinity. In addition, stockpiling of the product would be considered similarly.

Should any spreading be necessary prior to digestion [*case officer note: spreading is no longer being proposed*] following the following guide, “Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers”, will reduce impacts to acceptable levels. Odour from spreading activities is expected in a rural County as part of normal agricultural practise. It results in increased odours at locations close by but this is considered reasonable to ensure productivity of land assuming that the code above is followed.

#### General comments

The application has attracted a significant amount of attention and objection. A range of material has been provided on many aspects of the application. Having considered any comments in respect of odour and noise these are not considered to affect the conclusions made above due to the assessments provided having followed relevant guidance, answered additional questions and ensured conservative models have been created. There is relevant precedent set from previous planning inspectorate and appeal decisions nationwide to add weight to this statement.

Air quality has been raised as an objection point. Having considered the relevant guidance in this matter, Local Air Quality Management Technical Guidance (2016) (TG(16)) no detailed air quality assessment is necessary. An objection details that a DEFRA based research document may not be as conservative as necessary suggesting that rather than 100m distance between receptor and source 200m may be more appropriate. This is in respect to bioaerosols and air pollutants highlighted in TG(16). The conclusions of the data are that 200m may be more appropriate than a 100m standoff distance to return bioaerosols to background levels. As the non-linked receptors are more than 200m away this would make no significant difference in this

case. In respect of pollutants highlighted with objective levels in TG(16) pollutants, including particulates of all sizes, TG(16) is the definitive guidance. In conclusion a low impact on health of nearby receptors is expected giving weight to national guidance documents and information produced by national departments. It should also be recognised that the development will employ scrubbing technology that will reduce source emissions of any substances of concern providing additional confidence that the proposed development will not create unacceptable impacts.

#### Overall conclusions

The impact from noise, odour and air pollutants on human health and amenity is concluded to be low. The development site has been chosen to create suitable standoff distances to sensitive non-linked receptors. Noise, odour and air pollutants have been considered and each represent a low impact. Cumulatively it is considered that the impact on amenity will be low. It is appreciated that on occasion impact may be higher however this is balanced by there being other occasions where the impact will be negligible or imperceptible. Some conditions to recognise the inputs to relevant models presented with the application are recommended along with conditions on disposal of manure to anaerobic digester or in line with good codes of agricultural practice identified.

The above conclusions are made having regard to relevant UK guidance and published reference material. Other information may be available however given the conservative nature of assessments produced the application has satisfied Regulatory Services that the impact will be acceptable.

The installation will be operated under a permit enforced by the Environment Agency (EA). Aspects outside of the control of the EA may fall to Regulatory Services for regulation e.g. odour from spreading of manure or stockpiles of manure outside of the boundary of the permit [*case officer note: spreading of manure is no longer being proposed*].

#### Comments 22/9/20

The Permit issued by the EA under the Environmental Permitting Regulations 2016 controls on site sources of dust/particulate pollution to the level deemed necessary and appropriate for such an industrial/farming activity. The controls in the permit are based on the Best Available Techniques which is defined as the “**available techniques** which are the **best** for preventing or minimising emissions and impacts on the environment.” The European Commission produces [best available technique reference documents or BREF notes](#). They contain ‘best available techniques’ (BAT) for installations concluded to be so by experts for each particular industrial sector, and there is one which covers the intensive rearing of pig and poultry.

Dust from any endeavour such as various farming practises, vehicle use, construction, domestic burning, or industrial activities is comprised of particles of all different sizes. PM10 refers to the fraction of particles that are smaller than 10 microns in size, and PM2.5 is similar but 2.5 microns. PM10 and PM2.5 are fractions of the overall particulate releases, and dust and particulate releases are controlled by the Permit. Levels of PM2.5 specifically in any location are generally composed of particulates from various sources which according to the Clean Air Strategy 2019 are typically 38%

from domestic wood and coal burning, 16% from industrial combustion, 12% from road transport, 13% from industrial and solvent sources, and 15% from natural sources. Up to around a third can be from mainland Europe blown in over very long distances. Thus the evidence is that fine particulates that residents in the locality of these proposed poultry units are exposed to are from a combination of sources most of which are not local. As with PM10s where it has been explained in previous responses that assessment and monitoring at other poultry units in Shropshire has not shown any problem, the evidence is that PM2.5 emissions from the proposed units will neither add significantly to the overall loading in the environment nor cause any significant harm to human health.

#### Comments 11/9/19

Any comment which suggests that as a result of models under reporting on occasion or having been found to have not been consistent with odour found subsequently this is not considered very relevant other than to state that on occasion modelling does not get it right. However the reasons for a model not getting it right may be due to reasons outside of the control of the model e.g. poor management of the units.

I would suggest that measurements are taken to state exactly how far from any properties and residential land the poultry units will be. There is reference to 300 yards but I seem to get over 300m which is quite a lot of difference.

Reports have been submitted by the applicant in respect of noise, odour and other aspects which are based on a specific number of poultry being held on the site should permission be granted. Below is a commentary on the assessments and taking into account objections raised by concerned residents. Where a recommendation for a condition is specified this has been highlighted in bold to allow the main points to be pulled out and easily accessible.

I would recommend that poultry numbers are conditioned to ensure that the outcomes found in the reports are likely to be achieved in practise.

The site will be regulated under an Environmental Permit issued and regulated by the EA. It is not the place of the planning system to condition aspects that the permitting regime will address which include odour, noise and dust from the installation (buildings and area within the permit boundary). However, these aspects should be assessed and considered at the planning stage to ensure that any planning decision has taken into account the potential impact of these aspects on the locality and direct any decision on the suitability of the site for its proposed planning land use.

#### Noise consideration:

A noise assessment has been submitted with the application. Several noise sources are possible from a site of this nature. Those deemed necessary for consideration due to potential for any impact have been considered below in turn.

The noise assessment concludes that noise from fans at the installation will not have a significant impact on nearby sensitive receptors (residential properties). It predicts that the noise rating level (an actual predicted noise level plus a noise penalty of 3dB to allow for any potential 'other' noise characteristics of the fans) from all fans working at

100% will be below background noise level at all residential properties with the exception of being 2dB above background at the boundary to garden B. This information is contained within Table 4 of the Matrix noise report. In reality the actual noise being received at garden B will be below background noise level, the apparent increase above background occurring due to the noise penalty applied by the modeller.

At night the same scenario is considered likely with fans operating at 20% (20% ridge fan extraction). The assessment states fans are modelled at 20% output as temperatures are lower at night reducing the need for ventilation. I agree with this statement. Noise at night from fans is modelled to be below or equal to background at all sources apart from garden B where the rating level is 2dB above background. However, due to the low background noise levels at night it is considered more appropriate to consider absolute noise levels rather than a rating level. When this is considered it is noted all noise levels at night are below background at nearest receptors. It is therefore concluded that fan noise will not significantly impact on any residential property at any time of day or night when considering the noise report submitted by the applicant with fan noise having a negligible impact on health and wellbeing and residential amenity.

When considering HGV noise and including forklift truck operations on site using an electric forklift appliance the noise rating level at nearest receptors is found to be significantly below background noise level in the day. At night noise levels at residential properties are found to be below background at all but one receptor, Dwelling A. At Dwelling A the noise level found is 32dB at the façade which exceeds background by 6dB. 32dB at the façade of the residential property would equate to 22dB inside the property when considering a reduction in noise through a window of 10 dB (this is conservative as a window open for ventilation is expected to reduce noise between the internal and external façade by between 10-15dB and I have used 10dB in this instance). It is appropriate to consider the noise level inside properties as this is where the average person would be at this time of day. The World Health Organisation document "Guidelines on Community Noise" states that noise levels of up to 30dB LAeq inside a bedroom at night are acceptable. In conclusion therefore noise from HGV and forklift truck movements are considered to have a negligible impact on nearest receptors.

The application states removal of all manure from the site to an anaerobic digester. This will generate some traffic movements. These traffic movements would be considered to have a negligible impact on sensitive receptors in noise terms as they are expected to be relatively low in number and add a minor percentage increase to the existing traffic flows in the area. To ensure that this remains the case a suitably worded condition to ensure that transportation of manure from the site occurs within day time hours only (between 0700 – 2300 hours) could be considered.

One aspect not considered by the noise report is feed delivery noise. Feed deliveries will take place for a short period of time but do generate noise which will have the potential of being audible at nearest residential properties. To ensure that the impact of this activity remains low it is recommended that a suitably worded condition to ensure that deliveries of feed take place between 0700 – 1900 hours is considered. In this way sensitive times of day are avoided and the noise from traffic movements to

and from the site will be masked by existing traffic movements in the area.

A suggestion has been made by concerned residents that cumulative impact of noise from the site has not been assessed. Whilst this is true having considered the noise assessment, the noise expected to be received at noise sensitive receptors that is created by individual noise sources is low, or very low in some circumstances (well below background noise levels). Therefore the cumulative impact is not likely to significantly increase noise above existing background levels. It is considered acceptable in this case that cumulative impacts have not been assessed for this reason. It would not be reasonable to ask for assessment of a factor which is not considered likely to create significant impact and not asking for a cumulative impact assessment in this case is considered acceptable for this reason.

Another noise point made by concerned residents is that of noise from depopulation activity. Having considered the noise assessment it states that it has taken into consideration the extract fan and transport noise (HGV movements and loading/unloading). As such it is considered that this element has been given due consideration and it has been found that any impact would be considered to be low. However, this is based on the use of electric forklifts only.

The noise assessment assumes electric forklift movements for night time movements. I would recommend this is conditioned.

Night time depopulation movements can create noise due to reversing alarms on vehicles. The high-pitched beeping type alarm noise can carry over some distance. This can be exasperated at night. It is recommended that only white noise reversing alarms are used by vehicles used on site for depopulation activities and that this is conditioned.

A concern has been raised that when depopulation is occurring ventilation will be necessary creating noise. The noise assessment has been considered which has taken into account ventilation at night and found not to create any significant noise impacts.

#### Odour consideration

Odour emissions from the poultry installation have been assessed. Additional comment on the odour assessment has been provided following queries made. The conclusions have found odour impact is likely to be slightly adverse some of the time at a small number of residential receptors. The model is conservative in nature as models aim to be. In considering the impact from odour on nearby sensitive receptors from the installation it is considered that the impact will generally be negligible to low. There may be occasions where odour levels are more noticeable and would be considered slightly adverse and dependant on weather condition there may be occasional adverse impacts although these are predicted to occur at a very low frequency. On balance odour from the installation is expected to have a low level impact on the area.

The application now contains a plan to transport all manure from the site to an anaerobic digester. The consequence of this is no spreading of poultry manure

produced on site on surrounding land removing any potential odour impact from this activity. Although it is not specified if digestate will be brought back to the site to be spread it should be noted that digestate is relatively odourless as a spreading product compared to raw sources such as manure. As such the impact on the locality would be considered negligible. The product is a wet product and no dust from spreading of digestate, should this take place, would be anticipated. The only impact having potential to impact on the locality in any significant manner from removing manure from the site is the potential for short lived odour impact as vehicles transporting manure move past any sensitive receptor. In information provided by the applicant it has been indicated that manure will be sheeted and moved in covered HGVs. It is recommended that this is considered for conditioning. This will mitigate odour. Having extensive experience of these movements the impact is considered to be negligible due to the length of time of exposure as a covered vehicle moves past any given receptor.

#### Dust consideration

Dust was highlighted as a potential impact during consideration in the courts as part of the history to this application. In particular dust from manure spreading was noted. The applicant has specified that no poultry manure will be being spread with all poultry manure going to an anaerobic digestion facility. Dust from the spreading of poultry manure from the installation in nearby fields is now not considered as a direct or potential indirect impact for the locality. As mentioned above should digestate be brought back to the locality for spreading at any point in future the product is wet and dust is not likely to result from spreading of this product. It must be stressed that following discussion with colleagues within Regulatory Services, who have collectively over 50 years experience working in environmental health not only in a rural authority but in Shropshire itself, the potential for nuisance dust from manure spreading or indeed spreading activities in general is not considered likely to be a concern. This is based on significant experience and the lack of complaint about this common agricultural practise. Spreading of any product on nearby fields is considered to have a negligible to low risk to amenity and wellbeing of sensitive receptors given this wealth of officer experience in respect of dust.

Further to considering the potential for dust to cause nuisance from any spreading activities that could take place on fields in the locality, dust which has the potential to impact on health, called fine particulates (PM10s), has been considered by Regulatory Services.

In England, PM10 pollution is considered with reference to the Local Air Quality Management regime (LAQM) set out by DEFRA. The LAQM has policy guidance and technical guidance published to direct when and where it is necessary to consider whether PM10 pollution might exceed the health based limit values. This is Statutory Guidance under Part IV of the Environment Act 1995. This directs that PM10s should be assessed from many sources including from poultry installations under certain circumstances. These circumstances are where the poultry house is mechanically ventilated and there are more than 400,000 chickens stocked or where there is natural ventilation and there are more than 200,000 poultry stocked and where there is a sensitive receptor within 100m of the installation. The application in question is mechanically ventilated and is expected to hold significantly less birds than the threshold above with the nearest sensitive receptor being significantly more than 100m

from the installation. As both parameters required for an assessment to be considered necessary are not met no assessment for PM10s is necessary and the significance of any PM10 produced by the installation is considered to be low.

Further to the above, I have personal experience of commissioning and auditing PM10 assessments of a poultry unit in Shropshire which did fit the criteria required for a PM10 assessment as set out in the technical guidance. In that case no exceedance of the national air quality objectives was found. This suggests that the parameters regarding numbers of birds and distances to nearest receptors are conservative giving further weight to PM10 pollution being considered to be a negligible to low impact not requiring any specific assessment.

The final consideration in respect of PM10 is the potential for health impacts from PM10 from spreading. This was considered by the court previously as an aspect for consideration. The impact on health from air pollution and when it is necessary to assess for pollutants is set out in the LAQM regime as previously noted. The regime does not state that it is necessary to consider spreading activities. Although there is no explanation as to why this is the case in the regime itself the reason is rather self-explanatory. National objective levels are set for the annual average of PM10. In addition, a daily average not to be exceeded on more than 35 occasions a year is set. As spreading activities would take place on relatively few days a year, far less than 35, the impact of spreading on the likelihood for the area to exceed this daily average limit for the year is very low. As spreading occurs so infrequently the potential for this to impact significantly on the annual average creating any significant increase is also low and requires no assessment. It should also be noted that no spreading of poultry manure will occur as a result of the installation applied for as all manure will be going to anaerobic digestion off site at a facility controlled by an environmental permit. As such this point is slightly academic for this application however to ensure a consistency of decision making from past decisions it has been considered reasonable to provide comment on this element.

The air quality impact of additional vehicle movements on the highway has been raised as a concern. Shropshire Council is a predominantly rural area with good air quality. Exceptions to this are generally found to be in heavily trafficked town centre locations with residences close to the road side, particularly in Shrewsbury and Bridgnorth. As vehicles will not be passing through the town centre of Bridgnorth the impact on air quality from vehicle movements associated with this application is considered to be very low. It does not reach thresholds found in the LAQM regime regarding the need for new development to require an Air Quality Assessment related to traffic movements.

**4.1.15 SC Highways Development Control** No objections subject to conditions.

5/11/21 Further to previous Highway comments submitted by WSP on Shropshire Councils behalf in relation to the above mentioned planning application I can confirm that Shropshire Council as Highway Authority continues to raise no objection to the granting of consent. As previously outlined, the Transport Statement submitted as part of this planning application, is considered to be sufficiently robust and adequately demonstrates the likely increased traffic movements as a result of the proposals will not



create a situation where there would be an unacceptable impact on highway safety. It is considered that the proposed development is acceptable from a highways and transport perspective, subject to relevant planning conditions being imposed and subsequently met.

The proposed access as outlined on Drawing no. 18390-01 is considered acceptable for the surrounding highway conditions is suitable to accommodate the number of anticipated trips generated by the proposed poultry units. It is recommended that a planning condition is placed upon any permission granted that requires the access to be constructed prior to the development being brought into use.

It is understood that the manure arisings from the development will be exported off site, for disposal through a licenced Anaerobic Digester plant or other suitable licenced waste disposal facility. Whilst the location of the Anaerobic Digester plant has not been specified as part of this planning permission in view of the low value product, it is anticipated that local plants will be utilised. In view of the location of the site, and its close proximity to the A458, it is not considered that these limited number of movements will have a significant impact on the surrounding road network.

It is recommended that conditions are placed upon any permission granted to require that the access layout and visibility splays are implemented prior to the development being first brought into use; and to require that any access gates are set a minimum of 25 metres from the carriageway edge.

#### 4.1.16 **SC Drainage**

20/3/17: No objections. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. The proposed surface water drainage as described in the Assessment of Flood Risk and Surface Water Management should be detailed and submitted for approval. Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

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

17/6/19: No additional comments following submission of revised Environmental Statement.

#### 4.1.17 **Fire and Rescue Service**

20/3/17: As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>

Further advice has been provided which can be added to the decision notice as informatives.

4.1.18 **Department for Communities and Local Government** DCLG has been provided with a copy of the Environmental Statement and has confirmed that it has no comments to make on it. The Ministry of Housing, Communities & Local Government has acknowledged notification of the amended Environmental Statement.

4.1.19 **Shropshire Wildlife Trust**

21/9/20: Objects, on the basis that the scheme will add to the already high levels of ammonia pollution and that sensitive habitats and species are likely to be affected.

The following is the most recent Shropshire Wildlife Trust position on intensive livestock units.

Shropshire Wildlife Trust has grave concerns regarding the emission of ammonia and deposition of nitrogen from Intensive Livestock Units. Government figures show that around 95% of England's "sensitive habitat" area is subject to nitrogen deposition exceeding the critical load (i.e. the point at which significant harmful effects are likely to occur). This is especially relevant to Shropshire as the county now has one of the highest levels of 'factory-farmed animals' in the UK and the current background levels of ammonia and nitrogen well in excess of the critical levels and loads.

The impact of this nutrient pollution or eutrophication is already being identified in research such as that undertaken by Plantlife and the RSPB. The levels of nitrogen deposition have also been linked to the loss of biodiversity and species in the latest edition of the Shropshire Flora. Creating additional sources of ammonia and nitrogen is clearly adding to the existing problem and is often exacerbated by the rural location of the majority of intensive livestock units.

The Shropshire Wildlife Trust view is that:

- all measures should be taken to minimise emissions
- intensive livestock units should not be granted permission when located in proximity to sensitive habitats, Local Wildlife Sites, etc.
- all planning applications should fully meet the Shropshire Council Interim Guidance Note GN2 (Version 1, April 2018): Assessing the impact of ammonia and Nitrogen on designated sites and Natural Assets from new and expanding livestock units (LSUs).
- Environment Agency permitting should be reviewed and updated to be in line with Natural Resources Wales and to take full account of cumulative impacts and the existing background levels.

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. More than 300 public representations were received. Of these, approximately 260 were

objections, 38 were of support, and 2 contained general comments. Following the quashing of the planning permission in May 2019, and after the application was revised to propose that the manure would be exported off-site to anaerobic digester rather than being spread on land, a full re-consultation and publicity process was undertaken. This was carried out prior to the further amendments to the application to include air scrubbers. This re-consultation/publicity process included the direct notification of all contributors to the original planning application. Since the receipt of the remitted application approximately 120 objection letters have been received (this is total number of representations rather than the number of individuals), with two representations of support. The full representations are available on the planning register online, and are summarised below. It should be noted that the application process has taken into account the consultee responses and public representations made both prior to, and following, the quashing of the permission.

4.2.2 Public **objections** raised in relation to the application as originally submitted in 2017:

Odour, noise and dust; health:

- The presence of odour from manure, ammonia and cleaning chemicals.
- Concerns over the methodology and findings of the odour report
- Noise caused by chickens, machinery, ventilation fans and traffic accessing the site.
- Poultry dust being transported by wind into the nearby residential area.
- The odour and dust will prevent the use of residential gardens; washing can't be dried can't enjoy outside space, won't be able to open windows and children won't be able to play outside.
- Flies and vermin will be attracted to the site.
- The site is too near the residential area and residential gardens.
- Toxic dust and bacteria in the air and its health impacts on the community.
- Increase the existing strain on the NHS and local doctors due to asthma and breathing complaint increase as a result of airborne dust and toxins.
- Impact on human rights due to risk of avian influenza.
- Impact on nearby irreplaceable stock of free range rare breed chickens due to spread of disease and bacteria.
- Effect on residents if there was a disease outbreak and subsequent quarantine zone.
- Impact on tranquillity including Tasley churchyard.

Scale and type of development:

- The proposal is large scale industry and not farming.
- Better options available for farm diversification.
- Intensive farming is outdated and not a sustainable method of farming.
- The impact on local house prices and a reduction in the demand for housing.
- Animal welfare and cruelty due to the practices involved in this type of farming.

Traffic and public rights of way:

- Traffic concerns including; heavy haulage traffic, substantial increase in vehicle movements, vehicles will travel too fast and will in turn endanger cyclists, walkers and horse riders using the access road.
- Vehicles will travel to and from the site at unsuitable hours.

- The increase in vehicles and the type of vehicles will worsen the condition of the existing roads in need of repair.
- The dangerous highways junction is not suitable for the traffic increase. Unsuitable infrastructure serving the site.
- Restriction of access to Public Right of Way.
- Harmful manure on Public Right of Way which is harmful to dogs and PROW users. The submitted documents do not explain how this will be addressed.

#### Landscape impact:

- Impact on the landscape due to large industrial style buildings.
- The site is too large and will be visible from all around.
- Impact on character of the countryside.
- Scale of the building is out of context with countryside use.
- Design of building is an eyesore.
- Health risk to potential employees working in the sheds.
- Transporting chickens to and from the site will spread dust and disease even further.

#### Tourism and economy:

- Impact on tourism; no one will want to visit and the town's economy relies on tourism.
- People will move away from the area which will impact on the town centre shops and business.
- Not enough jobs are created by the proposal to warrant the other issues.
- Impact on local events such as the carnivals and art festivals.
- Closure of nearby pubs due to the lack of visitors.
- Proximity to the park and ride and decrease in likely users.
- Impact on nearby Church and its functions.
- Impact on achievements of the town; Best High street and Fairtrade awards.
- Effect on the reputation of Bridgnorth as an ethical, sustainable town which promotes small independent business.

#### Pollution and ecology:

- There will be an increase in waste both manure and carcasses.
- Impact on nearby environment due to waste spreading on fields and drainage into rivers and water ways.
- Soil and groundwater contamination through waste disposal.
- Harm to surrounding wildlife and biodiversity.
- Some of the fields for manure spreading flood regularly.
- Increase in carbon footprint of the town of Bridgnorth and overall impact on climate change.
- New development should be strictly controlled in the countryside as per policy CS5.

#### Planning policy and procedure:

- The negative impact on SAMDEV.
- A further 500 are allocated to be built on land nearby, the proposal would impact these plans.

- There has been a distinct lack of advertisement or knowledge of the proposal.
- Lack of notification of people bordering the manure disposal fields, not just the area for the chicken sheds construction.
- The supporters who have submitted representations are related to the applicant and do not live nearby.

Other representations:

- Chicken welfare and cruelty issues
- Odour impact on residential areas and Park and Ride
- Impact from debris from the farm on residential areas
- Impact from dust particles, containing aerialised faeces, chicken dander (dead skin), mites, bacteria, fungal spores, mycotoxins, endotoxins, veterinary medicines, pesticides, ammonia and hydrogen sulphide
- Disease risk
- Impact on health; will exacerbate asthma
- Will cause a build up of bacterial resistance which is carried by flies from chicken farms to humans
- Impact on tourists
- Existing adverse odour from the livestock auction
- Negative impact due to greenhouse gases
- Does not bring significant economic benefits to the area; would only create 1.5 jobs
- Impact on hundreds of new houses to be built in Tasley area
- Affordable housing proposed nearby will never be built due to impact
- Traffic impact
- Shropshire should be supporting innovative, plant-based environmental applications instead
- Public are not in favour of this type of application
- Will cause anti-social behaviour around the farm costing Shropshire further fees
- Very little benefit to the farm; negative impacts outweigh benefits
- Mistake to allow cheap meat product on our doorstep

4.2.3 Following the Court of Appeal judgment the application was remitted to the planning authority for reconsideration. The application was re-publicised at this point and the further representations that were received in response to this are summarised below. The full representations are available to view on the online planning register.

4.2.4 Summary of public **objections** received in response to submission of revised information following quashing of planning permission:

Location

- Too close to houses and schools
- Proximity to Bridgnorth Livestock Market and areas allocated for development
- Development would kill the Tasley area
- Proximity of park and ride facility
- Should be located in the countryside well away from urban development
- Will stop other development in Tasley as planned
- Conflict between the application and the proposed Tasley Garden Village

Odour

- Roof-mounted ventilation fans will distribute all the manure dust and odours as there is no filtration system
- Odour during transport of waste
- Adverse odour and impact on enjoyment of garden and outdoors, and tourism
- Adverse impact on health from odour
- Odour assessment cannot cover all the scenarios for pollution given lack of detail over excrement storage and removal
- Odour consultant has acted for a significant number of applications and never once found a substantive issue; their objectivity should be questioned
- EA guidance says odour from spreading can be detected 1-3km from field in exceptional weather conditions
- Experience at poultry farm in Somerset provides evidence that even with two thirds of the chickens planning for the site, unacceptable levels of odour can travel 300-400m
- Smell from decayed chicken litter is much stronger and more obnoxious than normal agricultural smells
- Published reviews raise questions over application of the model used in the odour assessment
- Installation of scrubbers will have little or no impact on odour dispersal towards the end of the crop cycle, and cleaning the sheds
- Smell from muck spreading is unpleasant but only lasts a few days; smell from buildings would be continuous
- -odour report underestimates numbers by 5-6 times and this was not raised by the relevant public protection officer
- EA state with 2/3<sup>rd</sup> of the chickens proposed it would be unacceptable levels

#### Dust

- Adverse impact on health from dust release
- Air-borne dust into Bridgnorth caused by mass cleaning of detritus mechanically and loading into trucks for transportation
- Leakage cannot be avoided
- Defra report referenced in application has been superseded; newer research shows that 2.5micron particles can travel further than the 100 metres of the 10micron particles, up to 2.5km
- PM2.5 particles are hazardous to human health and can be breathed in and absorbed into the blood stream; other countries have now imposed tighter PM2.5 controls as risks are over a wider area than recognised by Defra
- Should be rejected as PM2.5 pollutants will be generated and are not controlled
- WHO guidelines 2006 on health effects of PM states there is no safe threshold below which no adverse effects would be anticipated
- Long term exposure to PM2.5 increases age-specific mortality risk
- Exposure to high concentrations of PM can exacerbate lung and heart conditions
- no provision for dust extraction or filtration in the application
- cooling fans in the roof of the poultry sheds will disperse PM2.5 particles into the atmosphere and be blown in the direction of the housing in Tasley by the prevalent westerly/south westerly winds
- dust impacts of clearing out the sheds, loading and unloading the manure, transporting and storing the manure has not been considered or assessed; digester is close to a main primary school; impact on children's health from this

- EA are out of date in respect of their advice on risks to human health
- Would lead to increase pressure on other services such as the NHS

#### Ammonia

- ammonia pollution in Shropshire is already high, as reported in the Guardian and The Times (both citing DEFRA monitoring data)
- international wildlife sites are already at 200% to 600% of their critical levels of ammonia which is above the threshold at which species are lost and habitats damaged
- very high background levels of ammonia are due to the large number of intensive livestock installations in the county
- poultry farm will increase the Ammonia pollution in the Tasley area
- Ammonia in the atmosphere combines with other airborne compounds to increase the PM2.5 pollution level
- as the organisation responsible for environmental clean air policy and public health the planning committee should reject this application
- a PM2.5 pollutant management plan (i.e. dust extraction and air cleaning) should be requested from the applicant
- will emit significant amounts of ammonia, contrary to EU National Emissions Ceilings (NEC) Directive to reduce ammonia emissions
- adverse impact on woodland and ground flora due to additional ammonia levels
- ammonia emissions will significantly contribute to the acidification of water sources, adversely affecting biodiversity and drinking water
- Mor Brook and its tributaries is in a nitrate vulnerable zone
- National Emissions Ceiling Regulations 2008 requires a reduction in annual UK ammonia emissions by 8% by 2020 and 16% by 2030; requirements are reflected in the UK Clean Air Strategy 2019
- Impact of ammonia emissions from the AD plant have not been correctly considered or assessed
- Regulatory Services comments do not include knowledge of latest research on PM2.5
- Ammonia impacts in combination with other chicken factories such as Faintree
- No avoidance or mitigation measures are proposed

#### Air pollution

- contribute to air pollution; toxic fumes
- adverse impact on health from airborne parasites and bioaerosols
- parts of Bridgnorth already have dangerous levels of air pollution
- unfiltered exhaust air will include aerialised faeces, chicken dander, mites, bacteria, fungal spores, mycotoxins, endotoxins, veterinary medicines, pesticides, ammonia, hydrogen sulphide and antibiotics
- no consideration of fugitive emissions during the clearing out process
- Environmental Statement does not recognise an issue with existing pollution levels in Bridgnorth nor any potential impact on the existing Air Quality Management Area
- Since 2013 Council has granted permission for over 80 intensive poultry developments amounting to 250 sheds with capacity for more than 8 million birds
- Concerns over avian flu which could spread to humans
- Dangerous chemicals from the chicken waste will affect the town
- Proposal should include filtering or scrubbing as industry best practice

- Incomplete information has been provided to Public Health England: not aware that the site is 600m from edge of town, or that further housing is planned much nearer, or that farmhouse is 95m from the site; or that best available techniques such as air filters and scrubbers are not proposed; therefore their comments are inaccurate and incomplete
- Pollutants from poultry waste incineration include: carbon monoxide; sulphur dioxide; nitrogen oxides; particulate matter; sulphuric acid; hydrochloric acid; volatile organic compounds; dioxin; arsenic; these are linked to respiratory diseases, cardiovascular diseases and cancer

#### Water pollution

- pollution of water during cleaning of sheds from animal waste and carcasses
- unclear where the slurry will go
- unclear where wastewater effluent from the AD plant will go to
- polluting effects of AD plant not assessed

#### Climate impact

- contradiction to Council's recently-declared 'climate emergency' planning to be carbon neutral by 2030
- fumes will cause greenhouse gas production
- biggest net contributor to rising carbon emissions in agriculture is intensive livestock sector
- new IPUs will need to have scrubbers installed to meet target of net zero carbon emissions by 2040
- will indirectly contribute to greenhouse gases through forest clearance to grow soya for chicken feed and nitrous oxide emissions from pesticides used to grow the genetically engineered soya fed to the chickens
- transporting manure to Bitterley would add around 40,000kg of carbon dioxide to atmosphere per year
- animal agriculture is responsible for 18% of all human-induced greenhouse gas emissions including 37% of methane emissions and 65% of nitrous oxide emissions according to a 2006 report
- air pollution in Bridgnorth is already twice the recommended amount

#### Landscape

- impact on countryside
- huge industrial complex
- visual intrusion
- impact on AONB through which manure will be transported
- no amount of landscaping can satisfactorily mitigate adverse effects
- landscape implications have been inadequately assessed

#### Heritage assets

- proximity to listed buildings; visible from The Leasowes grade II listed building and within its setting
- courts have held that desirability of preserving the settings of listed buildings should be given 'considerable importance and weight'
- impact on listed building from odour
- increased traffic will impact stability of listed buildings



### Ecology

- loss of biodiversity, in particular earthworms, invertebrates and other insects which are vital to soil health
- impact on designated wildlife sites from ammonia, including Thatcher's Wood and Westwood Coppice SSSI and Meadowley Hill ancient woodland which are already affected by critical levels of ammonia deposition
- acidification of water sources and impact on biodiversity and water quality from ammonia emissions
- already high levels of background ammonia from more than 100 poultry farms in the county
- application has not correctly applied the Council's criteria set out in its Interim Guidance Note
- source of contamination to wild bird population
- pollution of dirty water used to clean anaerobic digester not assessed
- impacts on The Hook Dingle and Canern/Cantreyn woodlands have not been assessed

### Trees

- adverse impact on old heritage trees at The Leasowes

### Noise

- unbearable noise from 110,000 birds
- noise will result in planned housing developments being curtailed
- impact on people's right to enjoy tranquillity
- concern over noise from night-time collections/deliveries
- adverse impact from traffic noise from manure deliveries

### Transport

- transport study does not assess the impact of vehicle movements on the B3464, i.e. Bridgnorth to the Bitterley Bio-digester site
- application underestimates number of vehicle movements on day 40 by factor of four; litter generation will be at least 60% more than applicant suggests; a load of 25te is not possible because of the density of chicken manure; could be more than 50 full loads on day 40 compared to the 12 quoted
- planning permission was given for Bitterley AD plant on the basis that feedstock would be carried over farm roads and have little impact on surrounding roads
- possible increase in input to AD plant from 45te to 500te on day 40
- inadequate roads to Bitterley; narrow lanes; requires passing over bridges
- transporting the waste off site will increase the carbon footprint
- route to Bitterley passes through a ford, past a primary school and 12<sup>th</sup> century grade II listed church and other listed buildings;
- additional traffic required for food, medicines and other supplies
- transport route to Bitterley has been recognised by the Council as unsuitable for HGVs
- B4364 Bridgnorth to Ludlow road has weight restrictions and the waste cannot come that way
- Increase in traffic levels through Bridgnorth
- Increased HGVs on the local roads reduces road safety

- Road movements underestimated by four
- The council have admitted they don't know where the waste will be going for the anaerobic digester and could be transporting dust and pollutants all over the county

#### Manure management

- query whether sufficient storage available to store 1000m<sup>3</sup> of manure at Bitterley
- incumbent on Council to ensure manure handled safely following appeal court decision
- chicken manure is detrimental to health
- moving manure to an AD does not deal with issues of manure and wastes from the development; this relies on separate regulatory processes relating to the digester which following CoA cannot be relied upon
- details of where the digestate resulting from the AD process is to be spread needs to be provided
- potential pollution from digestate
- liquid digestate contains high ammonia levels and can reduce earthworm numbers
- details of wastewater effluent from AD process needs to be provided
- no firm agreement with operator of Bitterley AD plant to take the manure
- manure could be spread on land somewhere, even on the applicant's land
- planning application relies on AD plant's EIA / licence and does not assess impact from Footbridge Farm manure
- adverse odour from digestate from AD plant; digestate is not odourless as claimed
- no spare capacity at the Bitterley AD plant
- Anaerobic digestion plant where will the waste from that be put and dealt with properly
- Anaerobic digestion will still cause pollutants that are unacceptable

#### General environmental issues

- Environmental effects from clear out of sheds, stockpiling and transportation have not been assessed
- Poultry barns designed to last 50 years does not address adaptability of the buildings should there be improved practices or for climate change
- Flies and vermin
- Does not comply with conditions of the Environmental Permit; Permit is therefore no longer valid and must be withdrawn, and planning permission cannot be granted
- Regulatory Services team consider that children living at Footbridge Farm are not sensitive receptors and are expendable
- Water pollution caused by seepage
- Damage to plant life and other ecology interests caused by ammonia as outlined in a DEFRA report (not linked)
- Litter and general waste produced by development not considered

#### Benefits/costs

- Exaggeration to say development significantly enhances the area's employment opportunities as only creates 1.5 additional permanent jobs
- No mitigating factors; no planning gain
- No rates, no council tax and no CIL will be paid by the development
- Costs to the taxpayer will include road maintenance and infrastructure costs
- Planning fee will not recoup the money the Council has already incurred in legal

costs relating to the JR

- Negative effect on Bridgnorth's economic development outweighs any potential economic benefits

#### Decision making

- Any councillors on the planning committee with links to the poultry industry or farming must be prevented from taking any part in the application review in order that this planning application is assessed in an unbiased manner
- Highly suspicious that application was approved
- Following *Squire v Shropshire Council* Court of Appeal (CoA) judgment, Councils can no longer rely on the assumption that certain effects would be controlled by other regulatory processes; environmental statements must properly assess all direct and indirect environmental effects without assumptions that effects will be limited or mitigation achieved by separate regulatory processes
- Planning committee should make the health of the population of Shropshire the top priority
- Council should commission its own ammonia and bioaerosols assessment, otherwise it risks punitive damages from legal action
- Shropshire Council should not permit any further applications for intensive poultry units until the risks to human health and the environment can be properly assessed
- Applying multiple conditions to the planning consent is insufficient because the Council has insufficient resources to effectively monitor the conditions
- Revised application would fail if it ever reached the law courts
- Everything coming out of the poultry unit must be categorically accounted for and forensically assessed before application can be properly considered
- Council cannot hide behind 'expert comment' as demonstrated at the JR
- Not specifying where the manure will be going denies people affected the opportunity to object and comment
- Infringement of human rights
- Mr Kilby defining wording incorrectly
- No one is controlling the issues of gases and ammonia etc beyond the site boundaries

#### General

- Negative environmental impact on Bridgnorth and surrounding area
- Inadequate regulation of HGV traffic and AD plant
- Reduction in value of property; reimbursement will be requested if permission granted
- Reduction in economic prosperity of Bridgnorth from less visitors
- Will result in residents moving out of Bridgnorth
- Market for chicken meat is showing signs of saturation; concern over over-supply
- Planning department has no competence in economics or in business and should buy in independent consultants to aid decision making
- Ignoring evidence from elsewhere is lack of due diligence and could open up claims of negligence or maladministration
- Lack of reference number, name, job title or function on Regulatory Services comments shows lackadaisical attitude taken by the Council
- Regulatory Services comments based on expectations, conjecture and assumptions and not on evidence; relies on general experience of agricultural practice rather than

#### actual assessment

- No proven need for more chickens to be produced in the county
- Health and safety concerns
- Doesn't generate any significant job opportunities for such a large development
- 300 homes approved at planning only a mile away (no number submitted)
- Mr Smith is not suitably qualified to write such reports
- The proposed field is waterlogged and sloped, development will lead to surface level flooding
- Better locations available
- Pollution caused by lorries travelling to and from site
- Threatens proposed development plans around Bridgnorth
- The proposal no longer has an environmental permit
- Could lead to the 'next pandemic' due to the impact on environmental health
- Antibiotic resistance increases

#### Farming practice

- Inhumane, cruel farming
- Moneymaking operation for a small number of people
- Impact on antibiotic resistance
- Tiers are cramped spaces that chickens have to jump from
- Although free range, little likelihood of ever going outside
- Will put smaller farmers out of business
- Too close to other rearing farms leading to high risk of disease spread to the flock of rare birds

#### Issues with other poultry farms

- East Huntspill poultry farm in Somerset: To reduce odour levels EA has required operator to reduce bird numbers from 312,500 to 133,500, however odour levels are still above EA guidance and detectable beyond the site boundaries; modelling undertaken as part of planning application (by same author as for current application) predicted that on most occasions odour would be undetectable against background odours, and there would be no negative impacts; odour modelling wrong by a factor of between 2 and 3; field odour study detected odour up to 870 metres from the site; EA substantiated unacceptable odour reports for up to 410 metres from the site; complaints of odour up to 1.5km away
- This indicates that odour modelling is not a precise science
- Business has suffered losses due to odour from chicken farm at Somerset
- Odour issues at other broiler sites

#### Reports

- Issue with the 98% percentile for clean-up and that concluded two hours is not enough
- The odour report did not mention the direction of prevailing wind which is towards Bridgnorth
- Page 14 outlines the output of three exhaust fans and it is not clear whether following calculations account for all 14 exhaust fans proposed
- Report doesn't mention dust produced only gases
- Use of average statistics not representative
- Anaerobic digester gas and dust pollution not assessed

- Short term storage of clean out manure not assessed
- Mr Smith report discredited by EA
- Uncertainty element not properly assessed
- IAQM guidance not followed
- Information in odour report does not meet the EIA guidance where the significance of the odour impacts is not provided
- Reports are solely based on information provided and submitted by applicants side

4.2.5 Summary of public representations of **support** made in relation to the application as originally submitted in 2017:

The letters of support make the following comments:

- The proposal will produce locally reared chicken which is in demand.
- The facility has good design and layout.
- The proposed landscaping scheme will enhance the visual characteristics, diversity and ecology of the area.
- The application will support British farmers, British based agriculture and British produce.
- Good for local economy.
- The location won't affect the general public.
- Sheds will use improved ventilation technology and design so smell and noise is reduced.
- The site will support existing local jobs and create new local jobs will both directly and indirectly.
- Farm diversification should be encouraged in a rural county like Shropshire whose main industry is agriculture.
- The site has good access to a main A road.
- Policy CS5 allows development for agriculture in the countryside.
- The application encourages the younger farming generation
- The additional journeys of lorries to the site will not affect other uses of the A458.
- The site will support chicken produce for Britain post following Brexit.
- Manure use will reduce reliance on artificial fertilizers.
- Buildings are well screened by existing and proposed landscaping.
- An established farm of over 25 years should be supported.

4.2.6 Summary of representations of support received in response to submission of revised information following quashing of planning permission:

- Applicant is just trying to feed us
- UK economy is suffering a 9.9% slump
- Query why an applicant can come under so much scrutiny from 1 or 2 serial NIMBY objectors
- Brexit has shown that we cannot rely on food imports; should support our own farmers;
- May only provide a few jobs but value to the industry is huge and secures jobs from manufacturing and building to processing and packaging;
- Country has some of it not the highest welfare standards and strictest testing/monitoring in the world

- Brilliant to see applicant using Best Available Techniques available to make a positive impact

#### 4.2.7 **Tasley Action Group** Objects.

The Tasley Action Group.(TAG) has submitted numerous detailed objection letters which can be viewed in full on the online planning register and the concerns raised are summarised below. TAG has not specified how many people it represents.

##### Heritage matters

- Heritage Impact Assessment fails to assess impacts sufficiently, and understates levels of impact
- Application fails to consider whether the proposed development would contribute to the setting of the grade I listed Morville Hall and Gardens; Bridgnorth town or the Grade II\* listed Aldenham Park and Grade II Registered Park and Garden (2.7km away); site would be 1.4 miles from Morville Hall, the Dower House Gardens and grade I listed St Gregory's church
- Heritage Impact Assessment does not include any ZVI or ZTV; not clear why area of assessment has been restricted to 1km radius
- No clear and convincing justification for harm to Grade II Leasowes, so if permission granted, highly likely the Court would quash the decision
- Refusal by Ceredigion Council on grounds of insufficient information on protected sites and heritage matters

##### Odour

- Odour emissions from a poultry farm at Somerset are consistently 15 times or more over the limited predicted by the applicant's odour consultant; offsite odour continues despite measures to significantly reduce bird numbers from 312,500 to 133,000; no evidence that proposed site would be any different; odour consultant's models are proven to be fundamentally flawed
- Query what action the Council would take when objectionable odours are detected; not acceptable to defer the matter to the EA
- Resolving odour issues with the EA takes years; complaints to the Public Protection team take time to resolve
- Odour from litter removal not considered
- Lack of certainty regarding modelling
- Odour assessment is not objective

##### Dust

- No assessment of dust impacts
- Research shows PM2.5 and PM10 and bioaerosols can be found hundreds of metres from poultry units
- Cannot rely on Defra report on dust

##### Ammonia and air quality

- Ammonia assessment does not fully assess impacts, including from cleaning out or from biomass boiler; harm to designated ecology sites; in-combination assessment is insufficient; no assessment of NO2 emissions
- Potential effects of ammonia emissions from increases in particulate matter pollution

- in Tasley and Bridgnorth and query over whether this would be detrimental to health
- Potential impact on biodiversity due to excessive nitrogen levels
- Scrubbers are environmentally unsustainable due to energy and concentrated sulphuric acid required to run them, and storage and disposal of waste

#### Water and drainage

- No information on water usage, including how much waste water would be generated; inadequate drainage proposals

#### Noise

- Assessments understate or omit assessments of impact, e.g. frequency or duration of traffic noise

#### Manure management

- Would generate 4000 tonnes of manure a year, over 70% more than the 2300 tonnes suggested, according to Defra guidance
- Proposal to dispose of manure at 'other suitable licensed waste disposal facility' could mean spreading on fields including the applicant's own
- Legal judgment requires assessment of all direct and indirect environmental effects; cannot do this if disposal facility is not specified
- Proposal to transport manure to unspecified location invalidates all assessments made by EA, Natural England, Public Health England, and Council's regulatory services and highways which were all based on disposal to Bitterley
- Not specifying location for manure deprives all consultees from commenting on Environmental Statement

#### Landscape and visual impact

- LVIA is misleading about landscape and visual impacts, the value of the landscape and its susceptibility to change
- Strong parallel with proposal in Lincolnshire which was refused on landscape grounds

#### Environmental Permit

- Environmental Statement is misleading in relation to the scope of the EP; the EP does not ensure that the development will be free from pollution; if the development does cause pollution the permit holder is not in breach of the permit provided he or she has complied with the measures contained in it; EP does not control impacts outside the permit boundary; can take many years for the EA to resolve issues, if at all; site at Newbridge Farm still has problems three years later; odour assessment was carried out by same consultant as for current application

#### Climate change

- Livestock production is significant source of climate change
- Impacts from biomass boiler use of woodchip

#### General

- Proposed development fails to avoid negatively affecting the community
- Long term viability is questionable as 2018 figures from Agriculture and Horticulture Development Board show chicken consumption in decline

- Intensive poultry units are exempt from paying rates and community infrastructure levy
- Council should prioritise spending money on services not on court fees
- Council should hold a moratorium and review planning process
- Cumulative impacts not satisfactorily dealt with
- Production cycle may change to be more frequent
- Insufficient need for the development
- Does not comply with Council's objectives and policies
- Economic harm; social harm; environmental harm
- Inadequate EIA

Objection regarding Council's landscape consultant's comments:

- A revised LVIA should have been submitted to address TAG's concerns
- Consultant has not commented on all of TAG's issues; their comments are not credible, are biased in support of the application, are based on 'belief' and predictions rather than fact and evidence, and cannot be given any weight in the decision making process

Objection to Public Health England's (PHE) comments:

- Object to the conclusions of PHE
- PHE ignore people who could be adversely impacted by the transportation and disposal of the manure
- PHE state there are no residences within 280 metres of the site, yet the farmhouse is around 90 metres from the proposed site so too should have been taken into consideration too
- Adverse pollution and environmental impacts from poultry rearing operation; dangerous to workers; overuse of antibiotics; impact on health from ammonia and PM2.5 particulates
- Appalled and frightened by PHE's conclusions; PHE say that although Shropshire is already heavily polluted, there are no public health issues to be concerned about
- PHE should object as will increase pollution to the environment and therefore adversely impact people's health and wellbeing; any extra pollution must be significant, particularly when the cumulative and long-term effects are properly considered
- PHE is abrogating its responsibilities to Shropshire Council
- concerned that the Council intends to use Public Health England's comments as grounds to once again dismiss all health and wellbeing objections

Objection to Natural England's (NE) comments:

- object to the conclusions of NE
- NE conclude that their protected SSSI sites are already so heavily polluted, they have no objection to this proposed development on the grounds that the extra pollution caused by it would be deemed 'insignificant' by the Environment Agency
- NE has passed responsibility back to the Council
- ammonia emissions alone are a very valid reason for refusing this planning application, as this will impact sensitive nationally recognised and irreplaceable wildlife sites such as Thatcher's Wood and Westwood Coppice SSSI, which is already, as confirmed by NE, being adversely affected by critical levels of ammonia deposition



Objection to Environment Agency's (EA) comments:

- object to the conclusions of EA
- re-issue of Environmental Permit by the EA for the operation is a lackadaisical approach, possibly due to resourcing pressures
- consequence of Court of Appeal judgment is that planning authorities and regulatory authorities can no longer rely on a regulated permit or generalised assessment to circumvent the requirement for a full and proper impact assessment under the EIA regime
- applicant makes no effort to comply with the Environmental Permit conditions, which must be complied with before planning permission is granted; therefore the Permit is no longer valid and must be withdrawn
- as other intensive poultry units are failing their permitted levels the design process that produced the facility must be flawed and EA should not issue any more permits for these types of facilities

Objection to Council's highways team comments:

- object to the comments of support of the highways team
- application does not specify where the manure will be taken, therefore the highways team have not carried out an assessment of the impact of manure transport

Objection to Council's regulatory services team comments:

- object to the support for the proposal given by the Council's regulatory services team
- it is not known where any of the AD plants or other waste disposal facilities are therefore it is not possible to make decision on environmental and health effects of the manure disposal
- comments wrongly rely on the existence of an Environmental Permit, either by the applicant or by the AD plant operator, to circumvent the requirement for a full impact assessment
- have used their authority to rebut objections without substantiating this with facts or evidence

Comments of Ove Arup on applicant's odour consultant report, on behalf of TAG:

- no comments on: the choice of the model – ADMS is a commonly applied model for odour assessment in the UK and its results are accepted by regulatory agencies when used appropriately; the choice of meteorological data is appropriate, and has been obtained from a reputable source; the impact of buildings, the choice of receptors, the use of terrain data and selection of roughness length are also appropriate; and the selection of an odour benchmark of  $3 \text{ ou}\epsilon/\text{m}^3$  is typical for intensive agriculture
- the information does not meet the requirements of the EIA directive – the significance of the odour impacts has not been reported;
- the odour assessment has not followed the requirements of the IAQM guidance for the assessment of odours for planning, it has not used a multi-tool approach nor has assessed uncertainty within the assessment
- the report does not provide any assessment or conclusions on the odour impact of clearing of the poultry sheds nor is it clear whether mitigation discussed in the report would be applied;
- the same assumptions used to derive odour emission rates and the methodology

have been used on another site. Although the modelling results suggested that the odour benchmarks would be met, the subsequent operation of the site resulted in community complaints and observable odours in sniff testing. The assumptions therefore appear to potentially underestimate the odour impacts of the proposal;

- uncertainty has not been satisfactorily assessed within the report, given the failure of the method to predict unacceptable odour at other sites, we would have expected more pessimistic assumptions to have been applied, if this were done then the predicted odour concentrations would be likely to exceed odour benchmarks at some locations.

Comments of Ove Arup on ammonia report, on behalf of TAG:

- the assessment does conclude that the criteria set in local Shropshire guideline would be exceeded for annual mean ammonia concentrations; and
- the report fails to report whether there would be any significant impacts from the ammonia emissions, this is a significant omission given it does report that local Shropshire benchmarks are exceeded (although this may be addressed in the ecological assessment).

4.2.8 In addition to the above **Bridgnorth District CPRE** has objected on the following grounds:

- While our Committee has no problem with small-scale economic developments this proposal is a large industrial size farm development that brings unacceptable environmental impacts. Reports on behalf of the applicant will look at the proposal in the most favourable light and just attempt to minimise the harmful effect of the development on the surrounding local community.
- It does not appear that the Environment Agency as yet has granted a permit covering control of odour, noise, ammonia waste, dirty water management or other possible associated harmful side-effects.
- For a number of reasons Bridgnorth CPRE oppose this proposed development:-
- 1) Location: The development is too close to a residential area and there is additional concern on what effect the site will have on the future proposed housing development in the locality. Many people will worry about the likely devaluation of their property that will become unattractive sales because of the presence of the chicken farm.
- 2) Landscape: These huge chicken units will be an unwanted dominating feature with serious potential of being an eye-sore on the country landscape.
- 3) Pollution: There are valid fears by many local residents of likely pollution from odour, excessive noise, toxic dust and water contamination.
- 4) Local economy: There will be little economic benefit to local people with very few new employment opportunities. It could also badly affect the tourism attraction.
- 5) Traffic: The road infrastructure does not lend itself to such an increase in heavy lorries along a country lane and cause road hazards.
- 6) General environment: The proposed development in no way enhances the countryside vitality or character and brings no substantial community benefits.
- For these reasons the proposed development should be refused planning permission.

4.2.9 **Shropshire Ramblers** Objects.

- No right of way affected by the development, however has serious misgivings about the transport of the chicken manure by 12 HGVs some 20 miles from Tasley to Bitterley over the course of 1 day (day 40 in the cycle) every 7½ weeks
- route presumably to be used is the B4364, a twisty and not especially easy road between Bridgnorth and Ludlow
- most serious concern is the last half mile approach to Warthill Farm along a narrow country road from Bitterley Church which also carries a public footpath 0508/8Y/2; nowhere for vehicles to pass each other; limited space for pedestrians so passage along the road could be extremely difficult, dangerous and time-consuming on day 40 of the cycle; hazards and problems will arise unless improvements are made to the road
- about time that the owner of Warthill Farm applied and paid for a diversion of the footpath so that it does not legally pass through the actual farm building

In relation to the application as originally submitted (proposing manure spreading on farmland):

- concern over impact of manure spreading on public right of way users
- chicken manure may be spread on fields in which a Public Right of Way (Tasley Footpath 0148/4/1) runs
- unclear whether the manure is harmful to walkers (it would be harmful to their dogs if ingested)
- query what mitigation measures are to be taken to ensure that it is safe for walkers (and their dogs) to use the footpath immediately after the spreading of the manure

#### 4.2.10 **Open Spaces Society** Objects.

- the approach to Warthill Farm is along a narrow country road from Bitterley Church which also carries a public footpath 0508/8Y/2 and will be seriously compromised for walkers on the days of the cycle when heavy vehicles will be moving along the route, once every 7.5 weeks

#### 4.2.11 **Bridgnorth Civic Society** Strongly objects to this planning application for the following reasons:

Ammonia emissions.

- Levels of ammonia emissions from intensive farming across the county is already a high level ecological hazards as recognised through Council's interim planning guidance (2018)
- Proposal is likely to produce inappropriately high levels of atmospheric ammonia which will adversely affect sites such as Thatcher's Wood and Westwood Covert SSSI and Meadowley Hill ancient woodland which contain bio sensitive features such as rare mosses and bryophytes
- likely to result in levels of additional ammonia deposition in excess of the de minimis level of 1% of critical load in sites that are likely to be already experiencing impacts above their critical levels
- great concern that no avoidance or mitigation measures are currently proposed
- revised Ammonia Report projects that there would be an increase in atmospheric ammonia concentrations in residential areas to the West of Bridgnorth Town; great concern that impact of additional ammonia concentrations on the built-up area of Bridgnorth (in particular, Bridgnorth Pound Street AQMA) has not been assessed

and that no avoidance or mitigation measures are currently proposed

- Shropshire Council's Regulatory Services position that this is outside of the statutory framework of what they are required to enforce as an air quality regime is disingenuous and irresponsibly short-sighted in the context of the government's Clean Air Strategy published in January 2019 that unequivocally identifies ammonia pollution as presenting a risk of biodiversity loss and potentially impacting human health (in particular, where high levels of Nitrogen Dioxide pollution are present).

Odour.

- The Society shares the concerns expressed by many objectors regarding the reliability of the Shropshire Council Regulatory Services statement that there may be only intermittent slight adverse impacts based on the applicant's modelling; and that the modelling technique is inappropriate and point to instances of poultry farms where essentially the same modelling technique predicted that there wouldn't be a problem, but the local population has experienced adverse impacts, e.g. East Huntspill in Somerset where the Environment Agency has enforced reductions in the number of birds on site in response to complaints from nearby residents about odour emissions.

Economic impact.

- Significant negative effect on Bridgnorth's economic development totally outweighs any potential economic benefits; odour issues will also jeopardise the potential economic development of land neighbouring the farm site as outlined in the Bridgnorth Local Plan; potential occupiers of nearby development sites will be put off from investing as a result of the persistent odours;

Landscape.

- The Society shares the concerns raised by other objectors (notably Tasley Action Group) that the landscape implications of the proposed development have been inadequately assessed by the applicant. This is a large scale and intrusive development that will adversely affect the local landscape and the environs of nearby listed buildings and estates.

Disposal of waste products

- unclear whether (a) there is a firm commitment on behalf of the biodigester operator at Bitterley to accept the manure and (b) whether the biodigester has the capacity to process all the Footbridge Farm waste
- The traffic management implications have clearly not been assessed adequately with roads in the vicinity of the Bitterley biodigester being unsuitable for HGV traffic). The most direct route (B4364) has been identified by Shropshire Council as unsuitable for HGVs and warning signs to this effect have been put in place by the Highways Department. The lane to the digester at Bitterley from the A4117 is extremely narrow with a school en route, and busy with buses and parents' cars twice each day.

#### 4.2.12 **Kingsbridge Property Services (on behalf of Tasley Estates Ltd. And Jumbuk Ltd.)**

We act on behalf of Tasley Estates Limited (TEL) and Jumbuk Limited, who both have a considerable interest in the land close to Footbridge Farm

Tasley Estates Limited:

- odour created by the close proximity of the site to TEL land which has been outlined for housing and commercial development likely to seriously impact on overall viability of these schemes and put Council's masterplan in jeopardy
- odour would have serious negative impact on attractiveness of employment site to potential occupiers, which is anticipated to create hundreds of jobs, and have a detrimental impact on the local job market and Bridgnorth economy

Jumbuk Ltd. (owners of Bridgnorth Livestock Market (BLM)):

- primary retail tenant of BLM went into administration with a loss of around 20 jobs in 2018; unable to find a replacement tenant, seriously hindering the future viability of the market site as a whole
- Jumbuk Ltd. has agreed to fund a substantial overhaul of the BLM in order to attract a number of new tenants to form an agricultural retail centre, including: major new veterinary centre, equine retail store, café, country clothing store and others; this is in recognition of the importance of the market to both Bridgnorth's status as a true market town and as a facility to the local farmers of Bridgnorth; if successful the revised BLM will offer numerous jobs and additional retail operators to the local people of Bridgnorth;
- Concern over effects on attracting new occupiers to BLM due to high capacity chicken farm and constant background odour; potential to affect long-term viability of the market
- It is recognised that BLM is a 'working livestock market' and therefore emits an odour in its own right, this is only weekly, and we have never received a complaint from local residents or existing retailers to date

## 5.0 THE MAIN ISSUES

### 5.1

- Environmental Impact Assessment
- Planning policy context; principle of development
- Relationship between planning and permitting process
- Siting, scale and design; impact upon landscape character
- Historic environment considerations
- Traffic and access considerations
- Ecological considerations
- Water and drainage considerations
- Residential and local amenity, and public health considerations
- Other considerations
- The planning balance

## 6.0 OFFICER APPRAISAL

### 6.1 Environmental Impact Assessment

#### 6.1.1

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 came into effect on 16<sup>th</sup> May 2017, however as part of transitional arrangements planning applications that were submitted before that date fall under the provisions of the previous Regulations, i.e. the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. These specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The development proposes up to 210,000 birds at the site and as

such it is 'EIA development' for which an EIA is required.

- 6.1.2 The EIA regulations require that, for EIA development, the main effects that the proposal is likely to have on the environment are identified and assessed. This information has been included in the Environmental Statement which accompanies the planning application. This includes a detailed set of reports that have been prepared by consultants to assess the potential impacts of the development. These include: a Noise Impact Assessment; an Odour Impact Assessment; a Landscape and Visual Impact Assessment; a Transport Statement; a Flood Risk and Surface Water Management Assessment; a Heritage Assessment; and Ecological Assessments.
- 6.1.3 Officers have sought independent advice from environmental consultants on whether the information submitted in relation to odour and ammonia matters are sufficient to meet the requirements of the EIA regulations. Based upon the advice received and taking into account the scope of all of the submitted information Officers consider that the Environmental Statement meets these requirements.
- 6.1.4 The EIA regulations also require that planning permission shall not be granted unless the planning authority takes this environmental information into consideration. Relevant matters for consideration are set out below.

## **6.2 Planning policy context; principle of development**

- 6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material planning consideration and sets out a presumption in favour of sustainable development. It states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:
- An economic objective – to help build a strong, responsive and competitive economy;
  - A social objective – to support strong, vibrant and healthy communities;
  - An environmental objective – to protect and enhance our natural, built and historic environment.
- 6.2.2 The NPPF states that significant weight should be given to the need to support economic growth and productivity (para. 81). In respect of development in rural areas, it states that planning decisions should enable the sustainable growth and expansion of all types of business; and the development and diversification of agricultural and other land-based rural businesses (para. 84). It states that decisions should contribute to and enhance the natural and local environment (para. 174) and ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment (para. 185).
- 6.2.3 This approach is reflected in Development Plan policy. The proposed development is located in an area of countryside, and Core Strategy Policy CS5 (Countryside and Green Belt) states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits,

particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts.

- 6.2.4 Whilst the Core Strategy aims to provide general support for the land-based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Core Strategy policy CS13 (Economic Development, Enterprise and Employment) states that the Council will plan positively to development and diversify the Shropshire economy, support enterprise and seek to deliver sustainable economic growth and prosperous communities. In doing so, particular emphasis will be placed on matters such as: supporting the development of Shropshire's key business sectors including the land based sector, particularly food and drink production and processing; recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.
- 6.2.5 The specific details of the proposed development in relation to the Development Plan and other material considerations are discussed below. However it is considered that the principle of this agricultural development as proposed is supported by the above policies.
- 6.2.6 Draft Local Plan: As part of the Local Plan review a draft Shropshire Local Plan has been prepared following a consultation process. In September 2021 the draft Local Plan was submitted to the Secretary of State for examination. As advised by the NPPF planning authorities may give weight to policies in emerging plans according to: the stage of plan preparation; the extent to which there may be unresolved objections to draft policies; and the degree to which draft policies are consistent with the NPPF. These draft policies are material considerations, nevertheless as explained in 6.2.1 above, it is a requirement that planning decisions are made in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted Development Plan therefore continues to have primacy in the decision-taking process.
- 6.2.7 The draft Local Plan states that it seeks to provide a sustainable pattern of growth, responding to the varying scales, needs and functions of the County's hierarchy of settlements. It states that it provides a broad basis for dealing with a number of challenges in a balanced and positive manner, from the need to deliver affordable housing for local needs; the need to provide improved conditions for economic growth; the need to protect and enhance the County's wealth of natural and historic assets; and the need to respond to the climate change emergency.
- 6.2.8 The draft Local Plan includes policies for the following:
- To provide the right mix of new housing, employment and other types of development (draft policy SP1);
  - To support the transition to a zero-carbon economy (draft policy SP3);
  - Requiring that development delivers high quality design and ensures the health and well-being of individuals, communities and places (draft policies SP5 and SP6);
  - To positively support enterprise and give in principle support to agricultural

- development (draft policies SP10 and SP12);
- To require that new, large-scale non-residential development achieves the BREEAM Excellent rating or equivalent standard (draft policy DP11);
- To avoid harm to Shropshire's natural assets and their conservation, enhancement and restoration; and an expectation that development will provide landscaping on site (draft policy DP12);
- Development proposals should respect, safeguard, and wherever possible, restore or enhance landscape character and visual amenity in Shropshire (draft policy DP17);
- To require that development complies with existing pollution control regimes and national objectives for pollutants; and that proposals are designed from the outset to; safeguard environmental quality and public amenity; minimise pollution; mitigate adverse effects; and maximise opportunities for improvements where practicable (draft policy DP18);
- development must not adversely affect the quality, quantity and flow of both ground and surface water and must ensure that there is adequate water infrastructure in place to meet its own needs (draft policy DP19);
- to expect that development minimises the use of water to reduce environmental degradation, increase sustainability and mitigate the effects of climate change in line with Policy SP3; to direct development to areas at least risk of flooding; and to integrate measures for sustainable water management (draft policies DP20, DP21 and DP22);
- to protect, conserve, sympathetically enhance and restore Shropshire's heritage assets (draft policy DP23).

### **6.3 Relationship between planning and permitting processes**

- 6.3.1 Due to its nature and scale, the proposed poultry rearing operation would be regulated under the Environmental Permitting (England and Wales) Regulations, and therefore requires an Environmental Permit from the Environment Agency (EA). This Permit was issued in 2017 and authorises the rearing of poultry in a facility with a capacity for 210,000 broiler places, and the operation of a biomass boiler for site heating requirements and burning biomass fuel.
- 6.3.2 In terms of the relationship between the planning regime and the permitting regime, the NPPF states that:  
*"The focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively"* (para. 188).
- 6.3.3 In its consultation comments which were provide prior to the Permit being issued, the EA advised that the Permit controls day to day general management of the broiler including operations, maintenance and pollution incidents. It advised that the Permit will include the following key areas:
- Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.
  - Operations - including permitted activities and Best Available Techniques (BAT).
  - Emissions - to water, air and land including to groundwater and diffuse emissions, odour, noise and vibration, monitoring.



- Information – records, reporting and notifications.

6.3.4 The Permit forms part of a separate pollution control regime which controls processes and emissions, and therefore the NPPF comments above are directly relevant to the current application. It follows that, in making a decision on the current application, Members are required to focus their consideration on whether the proposed development is an acceptable use of land. The above comments do not negate the requirement to consider the application in relation to Development Plan and national policies. However Members should note that the control of processes and emissions are regulated under the Environmental Permit for the operation.

#### **6.4 Siting, scale and design; impact on landscape character**

6.4.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. The NPPF encourages the sustainable growth and expansion of well-designed new buildings in rural areas (para. 84). It advises that planning decisions should recognise the economic and other benefits of the best and most versatile agricultural land (para. 174), and that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (para. 175).

6.4.2 Further support for and guidance on good design is provided by the Government's National Design Guide (2021). In addition Shropshire Council has endorsed the West Midlands Combined Authority's (WMCA) Design Charter, and has acknowledged that this can be taken into account as a material consideration to inform planning decisions. The Charter is an initiative to promote, inspire and encourage good design across the region. It includes six key themes: character; connectivity and mobility; future readiness; health and wellbeing; engagement and stewardship; delivery.

6.4.3 Siting and alternatives: The applicant's landownership includes agricultural land surrounding the farm buildings at Footbridge Farm and the Environmental Statement states that the proposed site was selected in order to maximise separation distance with neighbours, and also to provide a compact grouping of buildings. The site would be physically well related to the existing farm buildings, and in relation to the nearest public viewpoints would be visually screened from the A458 by the farmstead. The proposal would result in a loss of agricultural arable land, albeit that the land would remain in agricultural use. Whilst this loss would have some economic impact due to a

reduction in the amount of land available at the farm for arable use, it is not considered that this would be significant given the area of land involved. In principle officers consider that the siting is acceptable in relation to policy MD7b and NPPF para. 174. Nevertheless potential impacts on amenity are assessed later in this report.

- 6.4.4 Relationship between site and potential future development land: In September 2021 the draft Local Plan was submitted to the Secretary of State for an independent examination. This followed a number of stages of public consultation. The draft Plan proposes that a 55 hectares area of land to the south-west of Bridgnorth is allocated for development comprising a 'comprehensive mixed-use sustainable urban extension'. The draft Plan refers to this as the Tasley Garden Village (BRD030). This potential land allocation encompasses part of the poultry application site. In particular it includes the access road and the northern part of the site which is adjacent to the existing farm buildings. The draft Plan also proposes a 41.5 hectares area of land to the west of the application site, described as 'land west of Tasley Garden Village' for potential future direction of growth. This area encompasses the majority of the application site. The allocation proposed in the draft Plan states that "Before occupation of the first dwelling on the site, any poultry units operating on the site or land within the wider site promotion identified on the Policies Map as a Potential Future Direction of Growth will cease operation".
- 6.4.5 Given the early stages of the draft Local Plan within the overall Plan review process it is considered that this potential land allocation and its potential implications for the current application should be given limited weight in the decision making process. However it should be noted that the Garden Village allocation proposes that no dwelling is occupied until the poultry operation has ceased.
- 6.4.6 Site design, layout and context: The proposed development would include purpose built poultry units which are agricultural in appearance. The design reflects the function of the development and is largely in line with other poultry rearing developments in the county. It is considered that the proposed dark green colour of the buildings would reduce the extent to which the buildings would be visible in the wider landscape, and would also complement the green colour of the adjacent farm buildings. The layout provides appropriate circulation space for delivery and collection vehicles, and the site would provide the necessary infrastructure to support the development.
- 6.4.7 Site design – water and energy: Water for site use would be provided by a mains supply, or a private borehole subject to the appropriate licence. The application includes a biomass boiler and the applicant has advised that this would provide 80% of the entire heating requirements for the site. Therefore a large majority of the heating would be provided using a renewable source of fuel, which is a significant benefit of the scheme.
- 6.4.8 The applicant notes that solar panels could be provided on the site. This does not form part of the current application and whilst officers consider that roof-mounted pv panels would improve the environmental credentials, it is not considered that this is a sufficient reason on its own to find the proposal unacceptable.
- 6.4.9 Landscape and visual impacts: The Environmental Statement includes a Landscape

and Visual Impact Assessment (LVIA) which has been prepared by a chartered landscape architect. The LVIA provides an assessment of the magnitude and significance of the landscape and visual effects of the proposal. The Council's landscape consultant has carried out a review of the LVIA. They conclude that it has been carried out in compliance with relevant guidelines; that their initial recommendations have been adequately addressed; and that as a result its findings are reliable.

- 6.4.10 It is noted that the site does not fall within an area of designated landscape value, such as the Area of Outstanding Natural Beauty. Nevertheless the LVIA assesses that the local landscape has Medium landscape quality. Features of note in the local landscape include steeply sloping wooded slopes associated with the Mor Brook valley to the south-west; sand and gravel mineral workings including Bridgwalton Quarry to the south-west; and the A458 public highway to the north-east.
- 6.4.11 The application site falls gently from the north-east to the south-west, from approximately 90 metres to 85 metres. It is proposed that the finished floor levels of each poultry house would be at 87.8 metres AOD, i.e. lower than the adjacent farm buildings. This would result in a ridge height of 94.2 metres, compared to a ridge height of the adjacent farm buildings of 101.2 metres.
- 6.4.12 Public viewpoints of the site are limited. The proposed development would be largely screened from the viewpoints to the north, including the A458, by the intervening large agricultural buildings and also by trees and hedgerows alongside the highway. Potential public viewpoints from other directions include public rights of way. Other than from the north, the nearest rights of way lie approximately 440 metres to the south-east and approximately 740 metres to the west. Views of the site from these locations are limited due to intervening vegetation and the distance involved.
- 6.4.13 The LVIA has looked into the location of other poultry farms and concludes that there is sufficient physical and visual separation between these and the proposed development not to give rise to any cumulative effects on landscape character and visual amenity.
- 6.4.14 Landscaping mitigation: A grassed mound would be formed along the south-western side of the site to a height of 90 metres AOD, with the outer face comprising a gentle slope to key into the adjacent arable field. A hedgerow, with hedgerow trees, would be planted on top of the mound. Other landscaping proposals include the planting of a new native hedgerow along the south-eastern boundary of the site, to be managed to a height of 3 metres or more, to include hedgerow trees. The existing hedgerow along the north-western site boundary would be managed at a height of 3 metres or more, and trees would be planted along this boundary, and also along the existing field boundary to the south-west and around the proposed attenuation pond to the south-west. All planting would comprise native species. The LVIA states that the landscaping would result in an increase of approximately 315 metres of new hedgerow planting and 33 new trees. The Council's landscape consultant, in their review of the LVIA, considers that these landscape mitigation proposals are appropriate and, subject to successful establishment, would be effective in mitigating adverse landscape and visual effects.

- 6.4.15 Impact on landscape character and visual effects: Once established to the proposed height of three metres, the top of the hedgerow would be at 93 metres AOD compared to the ridge height of the buildings which would be 94.2 metres AOD. In terms of the overall effects on landscape character the LVIA considers that the proposed development would be of Minor adverse significance at a site specific level and of Minor/Moderate adverse significance in terms of the immediate adjoining countryside and the wider Mor Brook valley.
- 6.4.16 In terms of visual effects of the proposal from public rights of way the LVIA concludes that they are of Minor adverse significance. It considers that the level of effect on all the other publicly accessible views is of Negligible adverse significance. In relation to private views from residential properties in the area the LVIA acknowledges that there would be potential middle distance views of the proposed development, it considers that visual effects would be of Minor/Moderate adverse significance.
- 6.4.17 Taking account of the professional advice of the Council's landscape consultant who have revised the submitted LVIA, Officers consider that the conclusions of the LVIA in respect of the likely landscape and visual effects of the proposal are reasonable. Officers consider that the proposal is generally well sited to take advantage of screening by existing buildings and vegetation. In addition the construction level of the site and the landscaping measures would provide an appropriate degree of mitigation such that impacts on the landscape would not be unacceptable.
- 6.4.18 The Council's landscape consultant have also carried out a review of two objection reports submitted by the Tasley Action Group and consider that the objections made on landscape and visual grounds are not substantiated. Whilst the public objections received in relation to landscape and visual impacts are acknowledged it is not considered that these raise issues of such significance as to affect the conclusion of Officers that landscape impacts and visual effects would not be unacceptable.
- 6.4.19 In conclusion to this section officers consider that the proposal is acceptable in relation to its design and layout, and that it would not result in unacceptable landscape and visual impacts.

## **6.5 Historic environment considerations**

- 6.5.1 Core Strategy policies CS6 and CS17 require that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses. Any harm to the significance of heritage assets should be given considerable importance and weight in a planning balance. The NPPF requires that planning applications should describe the significance of any heritage assets affected, and that this information should be proportionate to the assets' importance (para. 194).

- 6.5.2 A Heritage Assessment was undertaken as part of the Environmental Impact Assessment, updated in May 2017. This assessment the impact of the proposal on heritage assets in the area. It considers that no scheduled monuments, registered parks and gardens, registered battlefields or conservation areas would be affected by the proposed development. In relation to Leasowes Farm grade II listed building to the east it notes that this is enclosed within its own landscaped garden, and that there is no intervisibility between the application site and the building. In relation to The Leasowes the Heritage Assessment states that there is some minor intervisibility between first floor level of the building and the application site. It considers however that this would be mitigated by a reduction in ground levels for the proposed sheds, and the creation of a bund and landscaping.
- 6.5.3 The Heritage Assessment identifies that there is no firm evidence of archaeological remains within the application site, but that a mitigation strategy comprising a programme of archaeological work would be appropriate to allow for the recording of potential below-ground remains.
- 6.5.4 In conclusion the Heritage Assessment states that the proposed development would not cause any direct or indirect physical impact on known heritage assets. Furthermore, allowing for appropriate mitigation, the proposed development will have no permanent adverse residual effect on the cultural heritage of the application site and its environs. The Council's Historic Environment team find that these conclusions are acceptable and have raised no objections. They have also advised that the addition of the scrubber units does not affect their views.
- 6.5.5 The Conservation Officer recognises that, in principle, the setting of a listed building may also be harmed by noise or smell. The officer has reviewed the submitted noise and odour assessment and the comments of the Council's Regulatory Services team on these. The officer has concluded that the development would not result in a harmful impact upon the setting of the listed buildings due to noise as they would not breach normal background levels. In addition the officer has considered the likely odour levels and notes that a small area of garden of The Leasowes would be slightly above guidance levels, but that this would be expected to occur 2% of the time. Taking this into account the officer concludes that the enjoyment of the setting of the listed building would not be impacted to the degree that would affect the significance of the listed building in this instance. Furthermore the officer considers that the impact upon other nearby listed buildings from odour will be below guidance levels and as such will not impact upon their setting and significance in this regard.
- 6.5.6 Historic England has confirmed that they have no specific comments to make. The conditions recommended by the Historic Environment team, to require approval of the external colour and materials to be used in the buildings, landscaping and archaeological work including a geophysical survey of the site, can be added to the decision notice if permission is granted (see Appendix 1).
- 6.5.7 Public objections have been made in relation to impacts upon heritage assets. Public objections have also been made on the basis that heritage impacts have not been adequately assessed. Notwithstanding these, officers consider that an appropriate level of assessment has been provided in relation to EIA regulations and para. 194 of

the NPPF, and that the requirements of Section 66 of the above Act have been met.

## **6.6 Traffic and access considerations**

- 6.6.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The NPPF states that development should only be prevented or refused on transport grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 'severe' (para. 111).
- 6.6.2 A Transport Statement, undertaken by traffic consultants, has been submitted as part of the planning application. This was subsequently revised to reflect that it is now proposed that all of the manure will be exported off site in HGVs, rather than just a proportion of it.
- 6.6.3 The Transport Statement indicates that the busiest periods in terms of HGV generation would be on day 30 (bird thinning), days 37 and 38 (bird removal) and day 40 (manure removal) of the 48 day cycle. It states that, at its peak, the proposed operation would generate 9 HGVs (18 two-way movements) on day 30; 10 HGVs (20 two-way movements) on day 37 and day 38, and 12 HGVs (24 two-way movements) on day 40. During bird thinning and removal the poultry unit would operate between 0200 hours and 1500 hours. During these 13 hour periods there would be two HGVs per hour. It notes that for 44 days of the 48-day cycle there would be between zero and two two-way movements. The Statement advises that the existing access to the farm would be upgraded to provide sufficient radii for a 16.5 metres articulated lorry to manoeuvre into and out of the site. Access design drawings have been provided and these demonstrate that the required access upgrading can be achieved.
- 6.6.4 The Council's highways officer confirms that the submitted Transport Statement is sufficiently robust. The officer acknowledges that it is now proposed to remove the manure from site to a waste disposal facility. In addition the officer considers that the site access is acceptable and would adequately accommodate the number of vehicle movements that would be generated by the development. Furthermore, the officer considers that the proposed development is acceptable from a highways and transport perspective.
- 6.6.5 The recommended planning conditions, that the access layout and visibility splays are implemented prior to the development being brought into use, and that any gates are sited a minimum distance of 25 metres from the carriageway, can be imposed on the decision notice.
- 6.6.6 Public objections have been raised on the grounds that the application underestimates the amount of manure that would be generated each year, and that the Transport Assessment underestimates the number of HGVs that would be required to remove the manure. As stated in section 1 above, the application states that the proposal operation would result in 2,288 tonnes of manure per year, whereas public representations have been submitted to suggest that based upon Defra standards for litter production this should be 3,052 tonnes per year which is 764 tonnes more than the applicant's estimate. The applicant has submitted a broiler litter report which,

based upon a study of five broiler sites, has calculated that the amount of manure produced is lower than standard industry figures. There is no evidence to dispute these findings and it is considered that it is reasonable to base likely manure production on this recent study (2018).

6.6.7 The applicant's agent has provided weighbridge tickets, on a confidential basis, from a haulage company which indicate that HGV bulker vehicles can carry more than 26 tonnes of broiler litter. The agent suggest that this confirms that their estimate of 26 tonnes is appropriate. There is no evidence that suggests the likely traffic movements that have been estimated by the applicant's traffic consultant are not reasonable.

6.6.8 Objections have also been raised regarding the traffic impacts associated with the transport of the manure. The applicants had previously indicated that this would be taken to an anaerobic digestion facility at Warthill Farm in Bitterley near Ludlow. However the application now no longer identifies specific locations, and now states that it would be taken to an anaerobic digester plant or other suitable licensed waste disposal facility. Taking into account the advice of the Council's highways consultant, Officers are of the view that the proposed traffic that would be generated by the development is acceptable. It is not considered that it is therefore appropriate to impose restrictions on the routes by which vehicles transporting manure should take in order to reach their destination.

## 6.7 **Ecological consideration**

6.7.1 Core Strategy policies CS6 and CS17 require that development protects and enhances the natural environment. CS17 requires that development does not have a significant adverse impact on Shropshire's environmental assets. SAMDev Plan policy MD2 requires that developments enhance, incorporate or recreate natural assets. Policy MD12 seeks the avoidance of harm to natural assets and their conservation, enhancement and restoration. The NPPF states that planning decisions should contribute to and enhance the natural and local environment (para. 174), and states that they should ensure that new development is appropriate for its location in relation to the effects of pollution on the natural environment. Standing advice has been produced by Natural England in relation to protected species and this has been taken into consideration.

6.7.2 There are two Sites of Special Scientific Interest (SSSIs) within 5km of the site, and a Local Wildlife Site and Ancient Woodland within 2km of the site. In relation to the protection of such areas, para. 180 of the NPPF states that lpa's should apply the following principles when determining planning applications:

*"b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons [For example, infrastructure projects ... where the public benefit would clearly outweigh the loss or deterioration of habitat], and a suitable*

*compensation strategy exists; ...”*

- 6.7.3 In addition SAMDev Plan policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on those types of natural assets as listed in the policy, including locally designated biodiversity sites, and priority species and habitats, *“will only be permitted if it can be clearly demonstrated that:*  
*a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;*  
*b) the social or economic benefits of the proposal outweigh the harm to the asset.*  
*In all cases, a hierarchy of mitigation then compensation measures will be sought.”*
- 6.7.4 The Clean Air Strategy 2019 sets out how the Government will tackle all sources of air pollution. It states that ammonia is emitted during the storage and spreading of manures and slurries, and that it damages sensitive natural habitats and contributes to particulate pollution in urban areas. It also states that action by farmers can make a big difference to ammonia emissions.
- 6.7.5 Direct ecological impacts from proposed development: The Environmental Statement includes a Preliminary Ecological Appraisal. The site and its surrounds were surveyed for their ecological interest by means of a desk study and field survey in 2019, following on from a previous survey carried out in 2016. The survey concluded that the habitats that would be affected by construction works are common and widespread and are considered to be of low intrinsic biodiversity value. The ecology report makes a number of recommendations to reduce the risk of harm to any wildlife in the lead up to construction on the site and during the development itself. It also recommends a number of ecological enhancement measures including the provision of hedgehog, bird and bat boxes. The report states that, once applied and carried out, the recommended ecological protection and enhancements will provide assurance that there is no net loss to biodiversity and no unacceptable adverse impact on ecosystem services.
- 6.7.6 It should be noted that the water body shown on some plans to be located along the western side of the site is not present – the area is a small woodland. The nearest pond is located approximately 245 metres to the east. Great Crested Newt reports have been submitted. These detail the findings of eDNA surveys carried out in 2017 and 2019 and conclude that there is no evidence of great crested newt in the water body which lies within 250 metres of the farm.
- 6.7.7 The Council’s ecologist has advised that no further survey or action is required regarding great crested newts. Natural England has advised that the proposed development would not have significant adverse impacts on designated sites. Features of ecological interest in and around the site include a hedgerow, oak tree and small copse. These are proposed to be retained.
- 6.7.8 No significant ecological concerns have been raised by either Natural England or the Council’s Ecologist in relation to any direct impacts from the construction of the development. The Ecologist has noted that the landscaping scheme will provide enhancements for local wildlife. Specifically, officers consider that the proposed landscaping of the site, to include approximately 315 metres of new hedgerow planting and 33 new trees, would provide significant ecological benefits to the area. The



Council's Ecologist has recommended a number of conditions to require that protection and enhancement measures are undertaken. These are included in the list of recommended conditions set out in Appendix 1, and include the requirement to submit for approval a Construction Environmental Management Plan and details of a buffer zone to protect the habitats.

- 6.7.9 Ecological impacts from atmospheric emissions: Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. These emissions can potentially impact on nearby nature conservation sites, damage vegetation and affect sensitive habitats.
- 6.7.10 As noted above, there are two SSSIs within 5km of the site. One of these, Devil's Hole, is designated for its geological features and as these are not sensitive to ammonia emissions, no further consideration is required. The other is Thatchers Wood and Westwood Covert SSSI, which is also designated as ancient woodland (AW) and lies approximately 2.4km to the south-east of the proposed poultry building. Other designated ecological sites in the area include The Lye Woods Local Wildlife Site (LWS) and Aston Hill Woods AW lie to the west of the site, approximately 1.5km at its closest point.
- 6.7.11 The planning application is accompanied by detailed assessments of the likely impacts on the local area through ammonia emissions. These include a report on the modelling of the dispersion and deposition of ammonia from the proposed poultry houses; and two lichen survey reports relating to sensitive ecological sites in the wider area.
- 6.7.12 Advice from the Environment Agency on potential ammonia impacts: The Environment Agency has used an ammonia screening tool to check whether or not ammonia modelling is required under their guidance. They have advised that under their guidance, based upon the total process contribution of relevant intensive poultry farms that they regulate, there is no need for further ammonia assessment. They have further advised that the SSSI which lies within 5km of the site has 'screened out' from requiring ammonia modelling, as has the Lye Woods Local Wildlife Site and the Aston Hill Woods ancient woodland. Therefore in terms of the Environment Agency's guidance and their role as competent authority in respect of the Environmental Permit, they have advised that no further assessment is required.
- 6.7.13 Advice from Natural England on potential ammonia impacts: Natural England, the Government's advisor for the natural environment, has advised that the proposed development will not damage or destroy the interest features for which the SSSI has been notified and has no objection. They state that this is because detailed modelling has demonstrated that the proposed development will be within the thresholds deemed insignificant by the Environment Agency. They note that Shropshire Council's planning policy for intensive livestock units has more stringent requirement for considering intensive livestock units.
- 6.7.14 They nevertheless advise that the Air Pollution Information System (APIS) indicates that the SSSI is above all of its relevant Critical Loads for air Quality indicating high background levels of air pollution, and that the amount of ammonia affecting this designated site has an increasing trend. They therefore recommend that the

cumulative / in-combination impacts associated with this proposal are considered.

- 6.7.15 Shropshire Council Interim Guidance Note GN2 (Version 1, April 2018) When this application was previously brought to Planning Committee in 2017 it was assessed on the basis of the guidance available at that time. The officer conclusion in respect of ammonia impacts, taking into account advice received from the Environment Agency and Natural England, was that the proposal would not have any significant impacts upon the relevant designated ecological sites. Since that time the Council has issued an Interim Guidance Note entitled 'Assessing the impact of ammonia and nitrogen on designated sites and Natural Assets from new and expanding livestock units (LSUs)'. This document explains how Shropshire Council now assesses the impact of predicted ammonia emissions from livestock units. The Council's Ecologist has used this guidance in formulating their consultation response on this application.
- 6.7.16 Proposed installation of scrubber units: Since the application was last presented to Planning Committee in 2017 the applicant has amended the proposal to install air scrubbing units to the poultry buildings. These units constitute an air cleaning system which separates dust and ammonia from broiler houses. Testing undertaken by DLG, an accredited and EU registered testing laboratory, found that the proposed scrubbers achieved an average ammonia separation rate of around 91%. It can be concluded from this that the scrubbing units would significantly reduce the level of ammonia emitted from the poultry houses.
- 6.7.17 Results of ammonia modelling and lichen assessments A revised ammonia assessment has been submitted based upon this reduced level of ammonia emission. In addition two lichen survey reports have been submitted. The modelling predicts that:
- at all the SSSIs considered, the process contribution to annual mean ammonia concentration and nitrogen deposition rate would be below the Environment Agency's lower threshold percentage (20%) of the precautionary Critical Level and Critical Load and also below 1% of the relevant Critical Level and Critical Load;
  - at the ancient woodland to the west of the proposed poultry unit, the process contribution to annual mean ammonia concentration and nitrogen deposition rate would be below the Environment Agency's lower threshold percentage (100%) of the precautionary Critical Level and Critical Load;
  - at the AW to the west of the site of the proposed poultry unit, the process contribution to the annual mean ammonia concentration would be slightly in excess of 1% of the Critical Level of 1.0 µg-NH<sub>3</sub>/m<sup>3</sup>.
- 6.7.18 The lichen assessments sought to provide an indication of the condition of the SSSI and ancient woodland. The assessment relating to Thatcher's Wood SSSI found that the Nitrogen Air Quality Index for the site fell within 'nitrogen polluted' and 'very nitrogen polluted'. The assessment relating to the Aston Hill ancient woodland found that it had a Nitrogen Air Quality Index of 'nitrogen polluted'.
- 6.7.19 SC Ecology assessment of potential impacts from ammonia and nitrogen: The Council's ecologist notes that the proposed development would result in a relatively small contribution of additional ammonia and nitrogen to the SSSI and ancient woodland, and that the figures in the assessment reports are based on the most precautionary values for critical levels/loads. It should also be noted that the

background level of ammonia at the SSSI is 2.46 times the Critical Level and for nitrogen it is 3.56 times the Critical Load.

- 6.7.20 The ecologist considers that these small contributions are unlikely to cause a significant adverse effect on the SSSI, ancient woodland or local wildlife site. Additional mitigation would be provided through the proposed landscaping of the site as this would remove ammonia for much of the year once the trees have grown. A condition can be imposed to require the retention and management of this landscaping for the lifetime of the development.
- 6.7.21 In-combination considerations: The Council's ecology team has previously undertaken an assessment to establish whether there are other sources of nitrogen or ammonia from other sites that need to be taken into account in determining what the overall level of contribution would be. The ecologist has advised that, following the introduction of the air scrubbers, the process contributions are so low that an 'in-combination' assessment is not required.
- 6.7.22 Potential impact from biomass boilers: The Council's ecologist has advised that due to the distance of the application site from any designated wildlife sites or ancient woodland, the application has screened out of the need to model NO<sub>x</sub> or SO<sub>2</sub> emissions. Therefore no further assessment is required.
- 6.7.23 On the basis of the assessment in the above section officers consider that the proposed development would not have a significant adverse impact on the natural environment. Modelling suggests that the proposal may have some impact on designated ecological receptors, however the Council's assessment is that this would be unlikely to cause a significant adverse effect. In addition this is considered to be a worst case scenario as the assumptions on the effectiveness of the air scrubbing units are precautionary. Ecological enhancement would be provided in terms of significant levels of landscaping, and other habitat enhancement measures. Landscaping would, in the longer term, also provide reduction in ammonia levels. Consideration of the planning balance is provided below.
- 6.8 **Impact on water resources**
- 6.8.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water. The NPPF requires that planning decisions should prevent development from contributing to unacceptable levels of pollution (para. 174). Members should note the comments of the Environment Agency in their consultation response summarised above in which they confirm that the Environmental Permit will control relevant point source and fugitive emissions to water and land.
- 6.8.2 It is proposed that foul and surface water drainage at the site would be separated to prevent discharge of dirty water to watercourses.
- 6.8.3 Surface water drainage: The planning application is supported by a Flood Risk Assessment (FRA) and surface water management plan. This confirms that the site is located entirely within Flood Zone 1, i.e. outside of any area identified as having a higher risk of flooding. It assesses the risk of flooding from all sources as being very

low. Due to the ground conditions at the site the FRA advises that attenuation would be the most appropriate system for surface water management. An attenuation basin would be constructed at the south-western side of the site. Surface water runoff from the site and buildings would be directed into drainage channels adjacent to the poultry buildings and conveyed to the attenuation basin. This would store the water and allow it to be released downstream at a normal greenfield runoff rate. To protect against overtopping of the basin, e.g. as a result of rainstorm events, it is proposed that excess water would be directed towards a brook during such conditions.

- 6.8.4 Contaminated water drainage: During normal bird rearing periods the poultry buildings would be sealed. The drainage system within the concrete apron around the buildings would have a switch system. During the cleanout process, any dirty water that arises would be directed into a dirty water containment system. At other times, when the apron is clean and uncontaminated, the apron would drain into the attenuation pond. The air scrubber units would also create dirty water and this would be collected within the dirty water containment system. Water from these tanks would be removed periodically and disposed of at a licensed waste disposal/management facility.
- 6.8.5 The Council's drainage consultant has raised no objections to these proposals, but has advised that detailed measures should be submitted for approval. This can be secured by a planning condition (see Appendix 1).
- 6.8.6 Manure management: The application as originally submitted proposed that manure arising from the poultry rearing operation would be spread onto agricultural land as a fertiliser, either at Footbridge Farm or exported off site to other farms. The application has now been amended and it is no longer proposed that any of the manure would be spread to farmland. Instead, it would be removed from the buildings when they are cleaned out at the end of each rearing cycle, loaded directly into waiting vehicles, and then taken to anaerobic digester plant or other suitable licensed waste disposal facility under cover. This would minimise adverse impacts from manure management such as flies or other pests. In addition, potential impacts from the spreading of manure onto farmland do not therefore require consideration as part of this application.
- 6.8.7 Public objections have suggested that the environmental impacts of this export should be assessed as part of the current application. Officers consider that any impacts associated with the use of anaerobic digester plant or other disposal outlet will have already been assessed under any planning approval for that facility. It is therefore not necessary for a further assessment to be carried out as part of the current application in relation to 'downstream' environmental effects. This view is backed up by a recent High Court judgment, *R (Finch) v Surrey County Council* [2020] EWHC 3559.
- 6.9 **Residential and local amenity and public health considerations**
- 6.9.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity. The NPPF states that new development is appropriate for its location taking into account the likely effects of

pollution on health and living conditions (para. 185).

- 6.9.2 A significant number of public representations have been received, as summarised above, and these include concerns over the impacts of the proposal on residential amenity and health. Officers have given due consideration to these concerns, and have consulted with the relevant specialist bodies such as the Environment Agency, Public Health England, and the Council's Regulatory Services team in order to assess the acceptability of the proposals.
- 6.9.3 As explained above, the NPPF makes clear that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions where these are subject to separate pollution control regimes. As noted above, an Environmental Permit (EP) for the proposed broiler operation has been issued by the Environment Agency (EA). The EA has confirmed that the EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, they have advised that the EP controls relevant point source and fugitive emissions to water, air and land; including odour, noise, and dust from the poultry operation within the EP boundary. The boundary. Nevertheless, as explained above, it is necessary to ensure that the proposed operation is appropriate for its location, including in relation to potential impacts on residential amenity.
- 6.9.4 Noise: A noise impact assessment is included in the submitted Environmental Statement. This assesses noise that would be generated by the poultry operation in relation to properties in the area and also takes into account the land use allocations for residential, mixed use and employment development to the north-east and east of the site, as described in paragraph 2.3 above. It has assessed plant noise sources, such as extractor fans; and transport noise, including vehicles arriving/departing on the access road, manoeuvring and loading/unloading.
- 6.9.5 The noise impact assessment includes a survey of background noise levels. The noise consultant noted that the dominant noise affecting the area at present is from road traffic on the A458. The noise impact assessment has taken into consideration the likely frequency of use of the fans and states that the calculation has been based upon the 'worst-case' scenario. The assessment has also take into account the timing of vehicle movements which would include night-time bird collections. The assessment concludes that the noise impact of the proposed development during the night from both the extractor fans and transport activities would be negligible.
- 6.9.6 The Council's Public Protection Officer has reviewed the submitted assessment considers that it is acceptable. The officer considers that noise from HGV and forklift truck movements would have a negligible impact on nearest receptors, and that fan noise would not significantly impact on any residential property at any time of day or night. The Officer has advised that cumulative noise impact is not likely to significantly increase noise above existing background levels.
- 6.9.7 In terms of traffic movements associated with the removal of manure from the site, the Public Protection Officer considers that these would have a negligible impact on sensitive receptors in noise terms as they are expected to be relatively low in number

and add a minor percentage increase to the existing traffic flows in the area. To ensure that this remains the case the Officer recommends that a condition is imposed to require that manure transportation from the site occurs within day time hours only. This can be added to the decision notice.

- 6.9.8 The Officer acknowledges that traffic movements associated with feed deliveries have the potential to be audible at the nearest residential properties, and recommends that a condition is imposed to restrict this activity to hours between 0700 and 1900. This condition can be added to the decision notice.
- 6.9.9 In order to provide further controls over potential noise impact the Public Protection Officer has recommended conditions to require that forklift activities are undertaken by electric vehicle, as stated in the noise report; and that vehicles associated with depopulation activities only employ white noise reversing alarms. It is appropriate for these conditions to be added to the decision notice.
- 6.9.10 In terms of controls under the EP, the EA have advised that a noise management plan is required to reduce emissions from the site, and that this should set out the best available techniques that the operator intends to use to prevent and minimise noise nuisance. The EA acknowledges that a management plan may not necessarily completely prevent all noise at levels likely to cause annoyance. They also acknowledge that they do not control noise from feed lorries/vehicles, or directly control any issues arising from activities outside of the EP boundary.
- 6.9.11 In summary in relation to the planning application it is considered that the proposed development would not have a significant adverse impact in the local area as a result of noise.
- 6.9.12 Odour: The proposed operation would generate odour and the submitted Environmental Statement includes an assessment of odour impacts. This has taken into account the proposed use of the air scrubber units, and includes a dispersion modelling study which has been undertaken by a specialist odour consultant. The odour report has sought to quantify odour emission rates from the proposed development, using an emissions model that considers the internal odour concentrations and ventilation rates of the poultry houses. This has been used to calculate odour exposure levels in the surrounding area, taking account of meteorological data such as wind speed and direction. It also takes into account the land use allocations for residential, mixed use and employment development to the north-east and east of the site, as described in paragraph 2.3 above.
- 6.9.13 The odour assessment has calculated the likely odour levels at 23 receptors around the site, including the nearest residential properties. The results are presented in terms of the 'predicted maximum annual 98<sup>th</sup> percentile hourly mean odour concentrations'. This is as used in Environment Agency guidelines and equates to the hourly mean odour concentration that is equalled or exceeded for 2% of the time. The report recognises that peak odour emission rates are likely to occur when the sheds are being cleared of litter at the end of each crop.
- 6.9.14 The odour report states that odours from poultry housing are usually placed in the

'moderately offensive' category. It states that Environment Agency guidance provides benchmark exposure levels. For the 'moderately offensive' category, the benchmark is 3.0 ouE/m<sup>3</sup>. The results indicate that the only receptor building where the 98<sup>th</sup> percentile odour concentration would be greater than 3.0 ouE/m<sup>3</sup> would be at the site itself. Other than this the identified receptor with the highest odour concentration would be The Leasowes to the east, with a value of 2.29 ouE/m<sup>3</sup>, and the next highest would be Footbridge House to the north-west, with a value of 2.19 ouE/m<sup>3</sup>. The odour report predicts that a small area of land at the western side of The Leasowes property would experience odour levels slightly above 3.0 ouE/m<sup>3</sup>.

- 6.9.15 The modelling report concludes that the 98<sup>th</sup> percentile mean odour concentration at nearby residences would be below the Environment Agency's benchmark for moderately offensive odours. The odour contour map in the odour report indicates that odour levels would be less than 1.5 ouE/m<sup>3</sup> at the livestock market on the edge of Bridgnorth (the report suggests that 1.0 ouE/m<sup>3</sup> is the limit of detection).
- 6.9.16 The Council's Public Protection Officer has reviewed the submitted information, and considers that the modelling is appropriate and is considered to be appropriately conservative and robust. The officer recognises that the farmhouse associated with the proposal would be impacted by levels of odour above guidance values but considers that this is reasonable given the financial interest of the occupants. The officer considers that the impact from odour on nearby sensitive receptors will generally be negligible to low. He considers that a small part of the garden of The Leasowes would have odour concentrations slightly above the guidance level, but notes that the garden is of a significant size and has many areas below the guidance level and that for 98% of the time odour would be expected to be less than this level.
- 6.9.17 The Officer acknowledges that there may be occasions where odour levels are more noticeable and would be considered slightly adverse, and dependant on weather conditions, there may be occasional adverse impacts. However these are predicted to occur at a very low frequency. The Officer concludes that odour from the installation is expected to have a low level impact in the area.
- 6.9.18 The Public Protection Officer considers that there is the potential for short-lived odour impact in relation to the transport of manure. The application states that such transport would occur in covered vehicles. The Officer considers that the impact is likely to be negligible if vehicles are covered. In line with the recommendation of the Public Protection Officer it is considered that a condition is imposed to require this, in order to minimise potential odour from this transport activity. A number of other conditions have that have been recommended by the Officer to provide further controls over odour emissions. including limiting the number of crop cycles and managing the clean out stage, can be added to the decision notice.
- 6.9.19 A significant level of public concern has been raised regarding the potential odour impacts of the proposal. This has included detailed objections and queries over the methodology and findings of the submitted odour impact assessment. In addition the Tasley Action Group commissioned Dr Bull of Ove Arup to review the submitted odour reports. Officers have considered these concerns and have sought further technical advice and clarification where necessary.

- 6.9.20 In relation to the Dr Bull review, its findings are summarised as follows:
- The submitted information does not meet the requirements of the EIA directive; the odour assessment has not followed the requirements of the Institute of Air Quality Management guidance; the report does not provide any assessment or conclusions on the odour impact of clearing of the poultry sheds nor is it clear whether mitigation discussed in the report would be applied; the odour report's assumptions were used on another site which resulted in community complaints and observable odours; uncertainty has not been satisfactorily assessed within the reports and more pessimistic assumptions would have been expected.
- 6.9.21 The Council has obtained independent advice from an environmental consultant, ADAS, in relation to the above comments from Dr Bull of Ove Arup. The consultant is of the opinion that Dr Bull has not raised any matters which affect the overall findings in the applicant's odour impact assessment and the Environmental Statement providing that proper consideration is given in respect to modelling uncertainties and providing that the operation of the poultry unit is subject to a rigorous Odour Management Plan with particular emphasis on minimising the impact of cleaning out odours.
- 6.9.22 In particular, the environmental consultant is of the opinion that a satisfactory level of information has been submitted to meet the requirements of the EIA regulations; that there is no statutory requirement for IAQM guidance to be used; and that the odour modelling does take some account of cleaning out operations.
- 6.9.23 ADAS does identify some issues with the submitted odour assessment. Firstly, ADAS consider that the odour assessment could have 'quantified' effects in a better way. To address this, ADAS have applied IAQM guidance to the odour predictions, and this concludes that odour effects would be 'slight' adverse at Footbridge House and Leasowes, and negligible at all other receptors. ADAS go on to conclude that the findings of the Environmental Statement of 'minor' effects was reasonable.
- 6.9.24 The second issue identified by ADAS is that the odour assessment could have provided more information about modelling uncertainties. ADAS do suggest that emission rate data is perhaps slightly precautionary. Officers accept that there will be uncertainties with odour modelling, and accept the advice of ADAS that these can be dependent on how poultry farms are managed. The Environmental Permit would control the day to day management of the operation. An Odour Management Plan would be required under the Permit and this would set out the best available techniques that the operator intends to use to prevent and minimise odour. Officers acknowledge the comments of the EA that a management plan may not necessarily completely prevent all odours or at levels likely to cause annoyance. The EA does though have the power to take remedial action if necessary.
- 6.9.25 Other concerns have been raised by members of the public regarding the methodology and findings of the odour assessment. These have been discussed with the Council's Public Protection Officer who is of the opinion that a poultry development of the scale and size proposed can operate at this location without causing a significant impact on the surrounding area.



- 6.9.26 In terms of controls under the EP, the EA has advised that it requires that emissions from the operation shall be 'free from odour at levels likely to cause pollution outside the site ... unless the operator has used appropriate measures including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour'.
- 6.9.27 The EA have confirmed that a satisfactory Odour Management Plan has been produced. They advise that this should help to reduce emissions from the site but would not necessarily completely prevent all odour, or levels of odour which are likely to cause annoyance. They advise that, where substantiated complaints are encountered, this may require that a new or revised Management Plan is implemented and/or other measure put in place. Officers consider therefore that there is a mechanism in place as part of the EA's environmental permitting system to ensure that odour issues that may arise can be dealt with through changes to how the site is operated.
- 6.9.28 Officers recognise that the results of modelling do not suggest that odour from the proposed development would not be detectable beyond the site boundary at certain times. In addition, that the EP would not prevent all odour. However based upon the technical advice received in relation to the odour assessments it is reasonable to conclude that odour impacts would not be significant. There is clearly a significant level of public concern over odour. However the technical advice from the pollution control authorities is that the submitted odour assessment is fit for purpose and that there are no significant issues.
- 6.9.29 Public objections have raised concern that there have been odour issues at other broiler sites and that odour modelling is imprecise. They have advised that there is a poultry site in Somerset where the EA has required the site operator to reduce bird numbers in order to reduce odour levels, and that the modelling undertaken as part of the planning application predicted that on most occasions odour would be undetectable against background odours. Officers acknowledge this, but consider that the advice received from specialist pollution control bodies, and the independent review, suggests that the odour assessment undertaken in support of the current application has provided an appropriately robust basis upon which to conclude that the likely odour impacts would not be unacceptable.
- 6.9.30 Dust and bio-aerosols: As noted by the Environment Agency in their consultation response, intensive farming has the potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. Sources of dust particles from poultry rearing operations may include feed delivery, storage, wastes, ventilation fans and vehicle movements. The Council's Public Protection team have provided some background information in respect of dust, as part of their consultation response, and state the following:

*Dust from any endeavour such as various farming practises, vehicle use, construction, domestic burning, or industrial activities is comprised of particles of all different sizes. PM10 refers to the fraction of particles that are smaller than 10 microns in size, and PM2.5 is similar but 2.5 microns. PM10 and PM2.5 are fractions of the overall particulate releases, and dust and particulate releases are controlled by the Permit.*

- 6.9.31 In relation to air quality the Government's Clean Air Strategy 2019 sets out how the Government will tackle all sources of air pollution. This includes working with industrial sectors to secure further emissions reductions. Details of potential dust impacts are included in the Environmental Statement. This makes reference to a Defra research project AC0104. This is entitled 'Characterising poultry dust properties, assessing the human health implications, quantifying emission levels and assessing the potential for abatement'. This concluded that "Bioaerosol concentrations in the building represent a risk to poultry workers in terms of respiratory allergy or disease, but the levels emitted are sufficiently diluted over a short distance from the building so as not to pose a risk to those living in the vicinity of poultry operations. PM10 particulate levels were reduced to background levels by 100m downwind of even the highest emitting poultry houses, therefore are unlikely to pose a risk to those living in the vicinity of poultry operations".
- 6.9.32 The Environmental Statement notes that the Defra research project confirmed that particulate matter returned to normal background levels at a distance of 100m from poultry buildings. It states that as the site is located 280 metres from the nearest sensitive receptor, this is beyond the distance where dust problems can occur. It assesses dust impacts from the proposed development as negligible. It should also be noted that the application now proposes the installation of air scrubbers, and the EA has advised that these would help to remove a significant proportion of dust from the exhaust air.
- 6.9.33 Both the Environment Agency and the Council's Public Protection team have considered potential dust impacts. The Public Protection team have advised that, given the number of birds proposed to be housed and the absence of sensitive receptors within 100 metres of the site, no assessment for PM10's is necessary and the significance of any PM10 produced by the installation is considered to be low. In addition, the Public Protection team advise that the evidence is that PM2.5 emissions from the proposed units will neither add significantly to the overall loading in the environment nor cause any significant harm to human health. In relation to impacts upon air quality the Public Protection team advise that the impact on air quality from vehicle movements associated with this application is considered to be very low. In addition the specialist team advise that the proposal does not reach thresholds found in the LAQM guidance regarding the need for new development to require an Air Quality Assessment relating to traffic movements.
- 6.9.34 The Environment Permit controls day to day general management, including operations, maintenance and pollution incidents. It controls point source and fugitive dust emissions. In their consultation response on this planning application the Environment Agency has advised that as part of their determination of the Environmental Permit they require a risk assessment to be carried out and that a dust management plan is required if there are relevant sensitive receptors within 100 metres of the installation boundary. The nearest such receptor in this case is more than 240 metres away.
- 6.9.35 As noted by the Council's Public Protection Officer, the EP controls on-site sources of dust/particulate pollution to the level deemed necessary and appropriate for the proposed activity. Additionally, the controls in the EP are based on the Best Available

Techniques (BAT) which is defined as the “available techniques which are the best for preventing or minimising emissions and impacts on the environment.” The EA has advised that the use of scrubbers is defined as BAT and should help to remove a significant proportion of dust from the exhaust air. Emissions of dust from the installation are regulated by the Environment Agency under the Environmental Permit for the operation.

- 6.9.36 Public objections have suggested that the 100 metres figure referred to in the above-mentioned research document may not be as conservative as necessary, and that 200 metres may be a more appropriate distance for bio-aerosols to return to background levels. The Council’s Public Protection Officer has noted that the nearest non-linked receptors are in any event located more than 200 metres away. The Officer concludes that a low impact on health of nearby receptors is expected, and that the proposed development would not create unacceptable impacts on air quality. Whilst there have been public concerns raised over dust emissions and potential health effects from the proposed facility, based upon the advice received from technical consultees it is considered that there is a sufficient separation distance between the site and receptors to ensure that the risk of such adverse effects is not significant.

## **6.10 Other considerations**

- 6.10.1 Tourism: Core Strategy policy CS16 seeks to deliver high quality sustainable tourism. Public representations have raised concern over the impact of the proposals on the visitor economy to Bridgnorth and surrounding area. Officers consider that the proposal represents an acceptable form of agricultural development which would be compatible with surrounding land uses, and not result in unacceptable impacts. There is no evidence that the proposal is likely to have a significant direct or indirect impact upon tourism in the area.

- 6.10.2 Biosecurity; antibiotic resistance; disease; animal welfare; farming practice: Public objections have been made in relation to the biosecurity and disease risks raised by the proposal, the impact on antibiotic resistance; and animal welfare in relation to the type of bird rearing that is being proposed. These matters relate principally to the type of farming and the welfare and management of the stock rather than wider land-use planning issues. As such it is not considered that these concerns should be given weight in the planning decision.

## **6.11 The planning balance**

- 6.11.1 The NPPF states that planning decisions should apply a presumption in favour of sustainable development, and that there are three overarching objectives to achieving this: an economic objective; a social objective; and an environmental objective. It states that planning decisions should help create the conditions in which businesses can invest, expand and adapt; and that significant weight should be placed on the need to support economic growth and productivity (para. 81). Furthermore, that planning decisions should recognise and address the specific locational requirements of different sectors (para. 83). In addition it states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, and the development and diversification of agricultural and other land-based rural businesses (para. 84).

- 6.11.2 The planning application states that the addition of the proposed poultry operation to the agricultural business would provide a degree of certainty and regularity to the farm income. Additionally the proposed venture would enable the applicant's daughter and son-in-law to meet their wish to return to the farm. The proposed operation would increase the turnover and profit of the business. The application states that the proposed development involves an investment in buildings and infrastructure of approximately £3 million. Economic benefits to the local and wider area are expected to include employment relating to the construction phase and throughout the operational life of the venture. This would include one additional full-time worker and one part-time worker. The operation would also support employment in allied businesses, including haulage and bird catching contractors, suppliers of chicks, feed, fuel and bedding, and associated services.
- 6.11.3 In terms of the three objectives referred to above therefore, the proposal would bring about social and economic benefits which weigh in its favour. The environmental impacts of the proposal have been assessed above and it is considered that these can be satisfactorily mitigated such that these would not be unacceptable. Overall it is considered that the planning balance weighs significantly in favour of planning permission being granted.
- 6.11.4 An Environmental Permit (EP) has been issued for this poultry rearing operation by the Environment Agency. This would control the day to day general management of the operation and is also a mechanism for dealing with pollution incidents. In relation to EP's, in a planning appeal relating to a proposal for the erection of two poultry buildings, new access and conversion of building to house biomass boiler at a site near Hereford the inspector in his appeal decision dated 2017 stated the following:  
*"It is highly material that an EP has been issued for the site by the EA. This addresses issues of noise, odour, emissions and waste that can impact on health and amenity. The grant of an EP pre-supposes that best available techniques will be used to minimise emissions"* (appeal ref: APP/W1850/W/17/3170855, Rogers Farm, Bush Bank, Hereford).
- 6.11.5 The same circumstances apply to the current proposal. The NPPF states that "the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively" (para. 188). Based upon the technical assessments undertaken by statutory consultees and other relevant considerations, including the imposition of appropriate planning conditions, officers conclude that the proposal would not constitute an inappropriate land use or that there would be any unacceptable impacts.

## **7.0 CONCLUSION**

- 7.1 The proposal for a poultry rearing development at Footbridge Farm would be satisfactorily sited and designed, with an appropriate level of landscape mitigation, such that impacts on the landscape would not be unacceptable. The proposal would not adversely affect the setting of heritage assets, and site access proposals are satisfactory. The pollution control and water management measures proposed, which include the use of air scrubbers which would reduce dust, odour and ammonia

emissions, are acceptable in principle for the nature of the development. No significant ecological issues have been raised, and the proposed planting would provide ecological enhancement. The concerns raised through public objections regarding the potential impacts of the proposal, including in relation to residential amenity issues such as emissions, have been given detailed consideration as part of the planning process. Officers consider that the technical assessments submitted as part of the Environmental Statement are satisfactory. No significant concerns have been raised through consultation with the relevant technical and pollution control bodies to suggest that the proposal is not an acceptable use of land. Officers consider that adverse impacts on residential and local amenity can be satisfactorily safeguarded. In addition the Environmental Permit that has been issued for the operation by the Environment Agency would provide an additional level of control. The proposal would provide benefits to the rural economy through diversification of the existing agricultural enterprise and investment in the development. Whilst the proposal would have some impact on the local area due to its scale and nature, on balance it is considered that it accords with the Development Plan as a whole and is in line with national planning policy. In addition it is considered that the proposal is generally in line with the draft policies set out in the draft Local Plan. As such it is recommended that delegated authority is given to the Planning Manager to grant planning permission subject to conditions as set out in Appendix 1, and any amendments considered necessary.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

### 10. Background

#### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan Policies:  
CS1 - Strategic Approach  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS13 - Economic Development, Enterprise and Employment  
CS16 - Tourism, Culture and Leisure  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD7B - General Management of Development in the Countryside  
MD8 - Infrastructure Provision  
MD12 - Natural Environment  
MD13 - Historic Environment

#### RELEVANT PLANNING HISTORY:

09/00591/AGR Erection of general purpose agricultural building GRPAN 30th June 2009  
09/00715/FUL Erection of a single storey agricultural worker's dwelling WDN 4th August 2009  
BR/01/0005/HRM Remove four hedgerows approximately 120, 217, 200 \_ 260 metres long.  
NOOBJC 27th June 2001  
17/04991/DIS Discharge of Condition 4 (WSI), 5 (drainage) & 6 (Watercourse) relating to  
planning permission 17/01033/EIA - Erection of four poultry buildings with feed bins, gate  
house, boiler house and circular water tank; and associated infrastructure and landscaping  
scheme DISAPP 24th November 2017  
BR/APP/FUL/04/0989 Erection of a rear two storey extension and conservatory GRANT 20th  
December 2004  
BR/APP/FUL/04/0520 Erection of a two storey extension REFUSE 9th August 2004

11. Additional Information

[View details online:](#)

<b>List of Background Papers</b> Application documents available on Council website
<b>Cabinet Member (Portfolio Holder)</b> Councillor Ed Potter
<b>Local Members</b>  Cllr Les Winwood  Cllr Julia Buckley
<b>Appendices</b> APPENDIX 1 - Conditions

## **APPENDIX 1 Conditions**

### **STANDARD CONDITION(S)**

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

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

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

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

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

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

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

4. 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 and where ecological enhancements 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.



Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 180 of the NPPF.

5. The external materials of the poultry buildings (wall cladding and roof), the feed bins, the boiler house and the gate house shall be finished in colour BS12B29 juniper green and retained as such for the lifetime of the development.

Reason: To ensure an acceptable appearance to protect visual and landscape character.

6. (a) No birds shall be brought to any building unless the associated air scrubbing unit is in effective working order.

(b) Prior to the commencement of the development a scheme shall be submitted in writing for the approval of the local planning authority which sets out procedures for ensuring that, wherever practicable, bird rearing in any building only takes place during times when the air scrubbing unit for that building is operational. The submitted details shall identify contingency measures to be adopted in the event that the operation of the scrubbing unit is not possible, such as plant breakdown, and set out procedures to ensure that any bird rearing that take place without the use of air scrubbing unit is minimised.

The development shall be undertaken in accordance with the approved scheme.

Reason: To minimise the times when the air scrubbing unit is not operational in order to minimise emissions of ammonia and odour.

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

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

- A minimum of 2 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 external nest boxes, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), tit species (32mm hole) or robins (open-fronted).
- A minimum of 2 hedgehog boxes.

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

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

8. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter

retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species, and other nocturnal species.

9. The Landscaping Proposals drawing no. 1477.03 (Rev B), dated 28/02/21 shall be implemented in the first planting season following the date of this planning permission and shall be maintained for the lifetime of the development. All species used in the planting scheme will be locally native species of local provenance (Shropshire or surrounding counties). Any trees or plants that are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To provide some mitigation against the adverse impacts that the development would have on designated wildlife sites and ancient woodland from ammonia emission/nitrogen deposition, and to seek a biodiversity enhancement consistent with the SAMDev Plan Policy MD12 and the NPPF.

10. Prior to the development hereby permitted being first brought into use, the access layout and visibility splays shall be implemented in accordance with Drawing No 18390-01.

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

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

11. Any gates provided close the proposed access on to the A458, shall be set a minimum distance of 25 metres from the carriageway edge and shall be made to open inwards only.

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

12. Manure arising from the development hereby permitted shall not be exported from the site in vehicles other than between 0700 and 2300 hours.

Reason: To minimise noise impact.

13. Delivery of feed to the site associated with the broiler operation hereby permitted shall not take place other than between 0700 and 1900 hours.

Reason: To control potential adverse noise impact.

14. Forklift vehicles use on the site shall be electric powered only.

Reason: To minimise noise emissions.

15. Vehicles associated with depopulation activities at the site shall only use white noise reversing alarms.

Reason: To minimise noise emissions.

16. There shall be no more than 8 bird growing cycles per calendar year.

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

17. (a) Only one poultry building shall be cleaned out at any one time.

(b) Cleaning out of any poultry building shall not take place on any Saturday, Sunday or bank or public holiday.

(c) Cleaning out of any poultry building shall only take place when the building is mechanically ventilated.

Reason: To reduce the level and time of odour emissions in the interests of local amenity.

18. Manure shall not be exported from the site unless covered.

Reason: To reduce odour emissions and to protect local amenity.

19. (a) No more than 210,000 birds shall be kept on the site at any one time.

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

Reason: To restrict the maximum number of birds to be kept at the site at any one time in order to prevent adverse impacts on designated wildlife sites and ancient woodland from ammonia emissions/nitrogen deposition consistent with the SAMDev Plan Policy MD12 and the NPPF.

### **Informatives**

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

2. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

The applicant should in the first instance contact Shropshire Councils Street works team.

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

3. Nesting birds informative

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

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

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

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

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

#### General site informative for wildlife protection

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

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

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

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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

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

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

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

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

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

#### Bats and trees informative

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

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

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m<sup>2</sup>

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED

DOCUMENT B5.' provides details of typical fire service appliance specifications.

#### Water Supplies for Fire fighting - Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m<sup>2</sup> or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate



<u>Committee and date</u>
Southern Planning Committee
30 November 2021

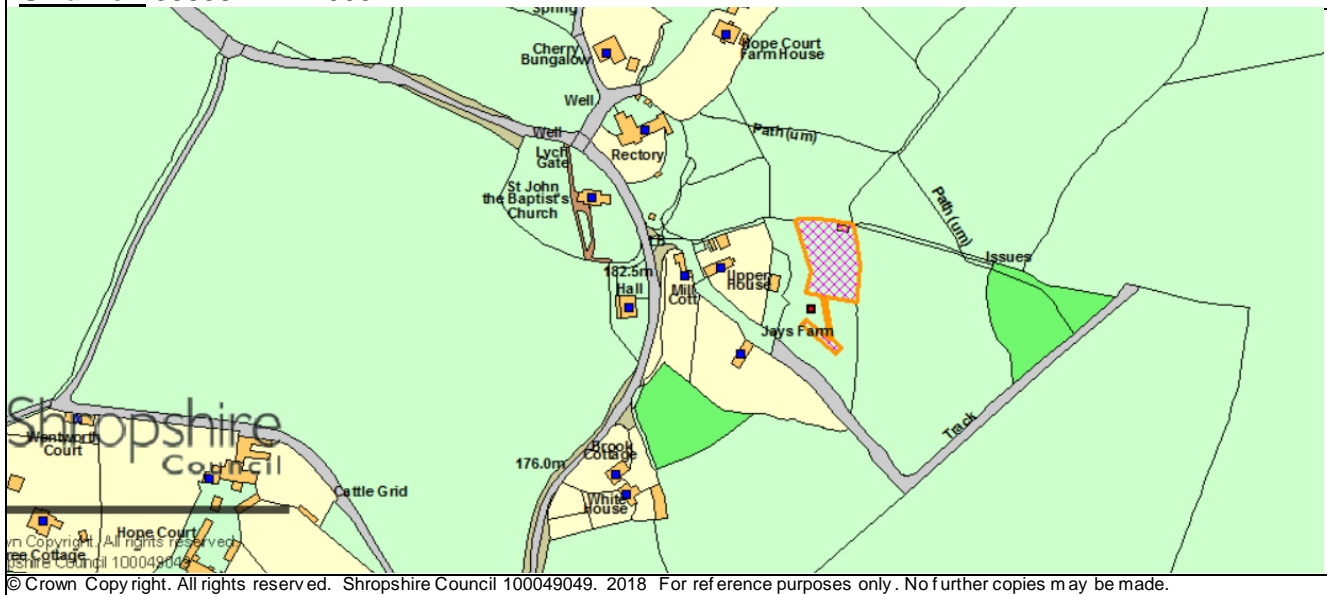
## Development Management Report (Update)

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

### Summary of Application

<b><u>Application Number:</u></b> 18/02384/FUL	<b><u>Parish:</u></b>	Hope Bagot
<b><u>Proposal:</u></b> Erection of affordable dwelling and installation of septic tank (revised scheme)		
<b><u>Site Address:</u></b> Land north of Jays Farm, Hope Bagot, Ludlow, Shropshire, SY8 3AF		
<b><u>Applicant:</u></b> Mr Rupert Burton-Bowen		
<b><u>Case Officer:</u></b> Trystan Williams	<b><u>email:</u></b> <a href="mailto:planningsouthern@shropshire.gov.uk">planningsouthern@shropshire.gov.uk</a>	

**Grid Ref:** 358987 - 274005



**Recommendation:** Refuse planning permission for the following reason:

*The site is located in a small rural settlement not designated for new open-market residential development under Policies MD1 and S10 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan. Although it has previously been considered suitable for an affordable dwelling to meet a specific and demonstrable local housing need, the applicant has failed to conclude within a reasonable timescale a Section 106 agreement to secure the development as an affordable home for occupation solely by qualifying local people in perpetuity. Consequently, no exceptional criteria for*

*allowing a new dwelling in the countryside are in fact met, and the proposal is contrary to Policies CS1 and CS5 of the Shropshire Local Development Framework Adopted Core Strategy, plus SAMDev Plan Policy MD7a.*

## UPDATE REPORT

### 1.0 Purpose of report

- 1.1 This application seeks full planning permission to erect a single-storey 'affordable' dwelling for occupation by a named individual confirmed by the Council's Housing Enabling Officer as being in local housing need.
- 1.2 At a meeting on 18<sup>th</sup> December 2018, members of the Planning Committee agreed to approve the application and grant permission, subject to prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990, to secure the development as an affordable home for occupation solely by qualifying local people in perpetuity. This is essential because the site is in open countryside, outside any settlement designated for new open-market housing under the relevant Local Plan policies. However, the agreement remains un-concluded, and hence planning permission has not been issued. This update report therefore invites members to consider a revised recommendation to refuse the application instead.
- 1.3 An additional complication is that the land is now being marketed as a "building plot with planning permission in place". This issue, too, is discussed further below.
- 1.4 For background and ease of reference, the case officer's original committee report and recommendation are attached as Appendix A.

### 2.0 Section 106 agreement

- 2.1 It is understood that the requisite Section 106 agreement has in fact been prepared and has been signed by the applicant, but has not been concluded because of delays at the Land Registry in registering the release of a third-party charge on the land. Officers appreciate that this is to some extent outside the applicant's control, and that attempts to resolve the issue are ongoing. Ultimately, however, the fact that the matter remains unresolved after almost three years gives rise to doubts over whether there is any serious commitment to the agreement being concluded. Thus, given that the development would be fundamentally unacceptable without the agreement, refusing planning permission is now recommended instead.

### 3.0 Marketing of site

- 3.1 The reference to a building plot in the recent sales particulars for Jays Farm raises the question of whether the development proposal is actually speculative as opposed to meeting a specific local housing need, which would be contrary to Paragraph 5.11 of the Council's *Type and Affordability of Housing* Supplementary Planning Document. However, the Housing Enabling Officer understands from the marketing agent that this is in fact an error, and that it is not in fact intended to sell the application site itself.

3.2



The Council's position is further protected by the fact that if the plot were to be sold without the Section 106 agreement having first been concluded, there would be no question of the planning permission being issued. On the other hand, if the agreement does end up being completed, planning permission granted and a sale agreed subsequently, the permission could only be implemented by someone else assessed as being eligible for an affordable home. Indeed, the same could happen in any other instance where an affordable dwelling has been approved but not yet built.

3.3

On balance, therefore, it is suggested that this second issue does not in itself warrant refusing planning permission (although it does again emphasise the importance of bringing the matter to a close).

## 5.0 Conclusion

5.1

Overall, whilst the marketing of the land is not felt to be the deciding factor, officers maintain that the failure to conclude the Section 106 agreement within a reasonable timescale makes it appropriate to now refuse planning permission on the basis that it has not been possible to secure the development as an affordable dwelling, which in turn means the application fundamentally conflicts with the relevant development plan policies.

**APPENDIX A:**

**COPY OF OFFICER REPORT AND RECOMMENDATIONS  
CONSIDERED AT 18<sup>TH</sup> DECEMBER 2018 SOUTH PLANNING COMMITTEE MEETING**



Committee and date	Item
	Public

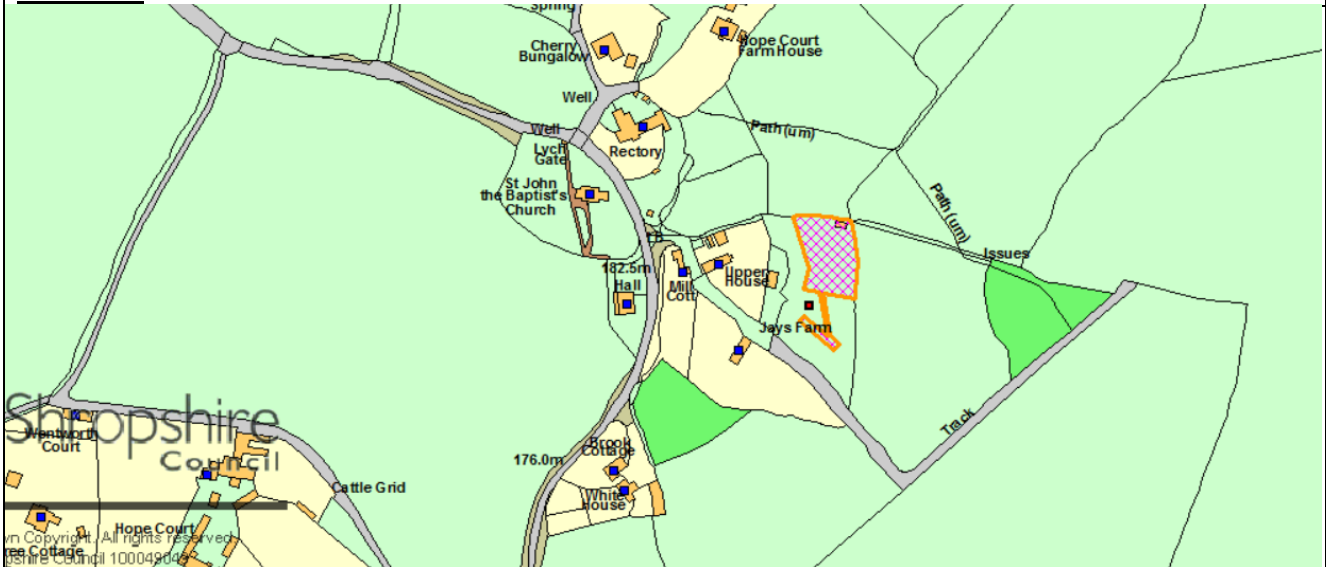
**Development Management Report**

Responsible Officer: Tim Rogers  
email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

**Summary of Application**

<b>Application Number:</b> 18/02384/FUL	<b>Parish:</b>	Hope Bagot
<b>Proposal:</b> Erection of affordable dwelling and installation of septic tank (revised scheme)		
<b>Site Address:</b> Proposed Affordable Dwelling North Of Jays Farm Hope Bagot Shropshire		
<b>Applicant:</b> Mr Rupert Burton-Bowen		
<b>Case Officer:</b> Trystan Williams	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 358987 - 274005



**Recommendation:** Grant permission subject to prior completion of a Section 106 to ensure the dwelling remains 'affordable' in perpetuity, and to the conditions set out in Appendix 1.

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks full planning permission to erect a single-storey 'affordable' dwelling for occupation by a named individual in local housing need. It is also proposed to form a vehicle parking/turning area, and to install a septic tank and soakaways for foul drainage. The dwelling would have a rectangular floor plan, and would provide a lounge, kitchen/dining area, utility, lounge, three bedrooms and a bathroom. The dual pitched roof would be of plain clay tiles, with horizontal natural oak boarding to external walls and a lead capped stone plinth below the boarding.

A previous application for a two-storey dwelling in a similar position (ref. 16/05675/FUL) was withdrawn owing to concerns over:

- the degree of housing need;
- the size of the site; and
- potential impacts on the historic environment.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 Hope Bagot is a small village in a secluded and well-treed valley on the west side of Clee Hill, within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). Its greatest concentration of buildings, designated a conservation area, is around the Grade I-listed Norman Church of St John the Baptist. Jays Farm is situated on the eastern edge of this grouping, up a rough track and bridleway exiting the road to Knowbury opposite the southeast corner of the churchyard and the village hall. The application site is the northern half of a paddock across the bridleway from the applicant's family's existing home, which is a rendered bungalow. To its west, below an associated timber stable block and a boundary with gappy vegetation and panel fencing, is half-timbered and Grade II-listed 'Upper House', beyond which, alongside the road junction, stands stone and brick Mill Cottage. Other listed buildings nearby, both of them Georgian and with Grade II designation, include 'Hope Court Farm House' across a field to the north and 'The Rectory' to the northwest, beyond Upper House. East of the site is further pastureland.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application is presented to the planning committee for determination because the officer recommendation of approval is contrary to an objection from the Parish Council, and at the request of Shropshire Council's Local Member. The Principal Officer, in consultation with the Chair and Vice Chair of the South Planning Committee, consider that the Committee should consider the site context in this case due to the differing views expressed by interested parties.

### 4.0 COMMUNITY REPRESENTATIONS

### **Consultee comments**

#### **4.1. Hope Bagot Parish Meeting – objection:**

The application should be regarded as invalid as the applicant has not followed the process outlined in Shropshire Council's *'Build your Own Affordable Home'* information pack adapted from its Housing SPD. Being approved as a qualifying person by the Housing Enabling Team should involve the intended occupier approaching the parish council to obtain confirmation of a strong local connection, following a specific pro-forma. In this case it is patently incorrect that at the time of the applicant's eligibility application parish meetings were not taking place due to the chairman's poor health. The Housing Enabling Officer did not approach the parish clerk to confirm whether or not meetings were being held, and in fact a minuted meeting resulted in the submission of an objection to the previous (ultimately withdrawn) planning application for a dwelling here. The Housing Enabling Team has since acknowledged that the correct process was not followed at that time, yet it continues to collaborate with the applicant in avoiding the local connections assessment by the parish meeting, in breach of the aforementioned guidelines. This raises serious issues of local democracy.

4.1.1 Notwithstanding the Housing Enabling Team's stated reasons for not involving the parish meeting in the eligibility assessment, councillors believe that the applicant fails to meet a minimum of two of the nine clear criteria used by Shropshire Council in that process. Consequently it is felt that the need for an affordable dwelling has not been established satisfactorily.

4.1.2 The site is immediately adjacent to the village conservation area and close to numerous listed buildings. Although this revised application has gone some way to reflect the rural and agricultural vernacular, the site's location is inappropriate as the development would be close to and visible from Upper House, The Rectory and the church. Moreover suburban fencing and non-native hedging installed recently along the boundary with Upper House is totally inappropriate in this context, and in breach of local and national guidelines. A potentially more acceptable solution would be to site the dwelling southeast of Jays Farm instead.

4.1.3 The access route is unsuitable as it involves crossing a small culvert prone to flooding, and passes very close to windows of both Upper House and Mill Cottage. An additional dwelling would involve a 50% increase in domestic traffic, whilst potential damage by heavy construction vehicles is an even greater concern. It is understood that there is no covenant by which the households served by this track are liable for its upkeep, despite the culvert's key role in channelling water away from the village. Such a covenant should be put in place before any planning application is considered, and furthermore the track should be resurfaced and equipped with proper drainage.

#### **4.2 Shropshire Hills AONB Partnership – comment:**

No site-specific comments. However this indicates neither objection nor lack of objection to the application, and in reaching its decision the local planning authority must still satisfy its legal duty to take into account the purposes of the AONB designation, planning policies concerned with protecting the landscape, plus the

statutory AONB Management Plan. The Partnership also reserves the right to make a further, detailed response.

- 4.3 Shropshire Council Flood and Water Management – comment:  
Precise details of surface water and foul drainage systems should be secured by condition. Additionally, because the site is mapped as being at risk of pluvial flooding, the applicant should be advised to ensure that the new dwelling's finished floor level is set above any known flood level or at least 150mm above ground level.
- 4.4 Shropshire Council Historic Environment (Conservation) – comment:  
The site is adjacent to the village conservation area and various listed buildings, including Upper House to the immediate west and the church beyond. Jays Farm itself should be regarded as a non-designated heritage asset.
- 4.4.1 The previous application for a dwelling here attracted objections on the grounds of its unsatisfactory standardised design, and the lack of a heritage impact assessment (HIA) as required under the National Planning Policy Framework (NPPF) and Policy MD13 of the Council's Site Allocations and Management of Development (SAMDev) Plan. This resubmission follows pre-application advice aimed at securing a more sympathetic scheme based on a single-storey barn-like structure that responds positively to the site's topography, reflects the rural setting and appears ancillary to the surrounding buildings. It is pleasing to see that this is reflected in the linear form, simple fenestration, stone plinth and timber clad-walls.
- 4.4.2 Furthermore this application includes a HIA which provides a detailed account of the potential impacts upon the settings of the relevant heritage assets, and, in line with NPPF guidance, considers the balance between the public benefits of an affordable dwelling and any harmful impact on the historic environment. It also notes the initial consideration given to different options for the building's siting, concluding that in the position proposed it will be cut into the hillside and set as low as possible. Inevitably it would have some impact, for example through incidental glimpses in long-range views from the church. However in general it is agreed that its impacts (including those on the immediately adjacent assets) would be negligible, subject to appropriate mitigation including planting new native hedges and using appropriate external finishes. These aspects should be controlled through conditions.
- 4.5 Shropshire Council Highways Development Control – comment:  
No objection subject to the development being carried out in accordance with the approved details, and to relevant informatives.
- 4.5.1 The plans include adequate on-site parking and turning provision, whilst access would be via the existing track serving agricultural land. It should be noted that domestic vehicles have different visibility requirements to agricultural ones, generally 2.4 x 15-metre splays at 1.05 metres above ground level where traffic speeds are likely to be in the region of 10mph. The splays' inside boundary treatments should be maintained no higher than 900mm, or 600mm where adjacent to pedestrian footways or shared road space. In this instance the entrance would be onto a public bridleway.

- 4.6 Shropshire Council Rights of Way – comment:  
Access would be via a bridleway. Whilst the public right of way would not appear to be affected directly, it would need to be considered during the construction stage.
- 4.7 Shropshire Council Historic Environment (Archaeology) – no objection:  
No comments in respect of archaeological matters.
- 4.8 Shropshire Wildlife Trust – no objection:  
Although the nearby churchyard is designated a Local Wildlife Site, it is unlikely to be affected significantly. The Council's Ecology Team will advise on other issues, including the need for an ecological assessment and potential impacts on protected species.
- 4.9 Shropshire Council Ecology  
28/6/18 – objection:  
The site and its surroundings should be assessed by a suitably qualified and experienced ecologist before any permission is granted. This should include an inspection for badgers, which if present will necessitate the submission of a mitigation strategy and precautionary method statement.
- 4.9.1 3/12/18 – No objection:  
The site has now been assessed by a licensed ecologist. Habitats were found to include semi-improved grassland, tall ruderal vegetation, a building, a semi-mature ash tree and a defunct species-rich hedgerow. The proposed layout shows the retention of the existing hedgerows plus supplementary tree and shrub planting, and any permission granted should include an informative advising on the use of native species plants of local provenance
- 4.9.2 The building on the site is a small metal-clad structure unsuitable for roosting bats. However the site and its boundary vegetation may be used by foraging and/or commuting bats. Thus, in order to minimise disturbance and enhance roosting opportunities, conditions should control external lighting and secure bat box provision.
- 4.9.3 The hedgerows, tree and building provide potential nesting opportunities for wild birds. Bird boxes should be secured by condition, and an informative should advise on the legal status of active nests.
- 4.9.4 No evidence of badgers was found on the site or on accessible land within 50 metres. However the site may occasionally be used by both badgers and hedgehogs for foraging and/or commuting. The consultant's report therefore recommends mitigation measures for these species, adherence to which should be ensured by a further condition.
- 4.10 Shropshire Council Affordable Housing:  
4/7/18 – no objection:

The applicant has demonstrated strong local connections to the Hope Bagot local administrative area. After considering his housing needs and personal circumstances, it is confirmed that the requirements of the Council's Supplementary Planning Document (SPD) relating to the 'build your own affordable home' scheme are satisfied as follows:

- The applicant intends to construct a 100m<sup>2</sup> (max.) affordable dwelling for occupation as his long-term family home.
- The dwelling would be subject to a Section 106 agreement prescribing local occupancy criteria and restricting its potential future sale value.
- The applicant and his daughter currently live with family in the parish. As they have no home of their own, this arrangement is unsuitable for their current and future housing needs.
- The applicant relies on his parents for regular help with childcare, including taking his daughter to school and supervising her afterwards. They are also on hand to assist if the applicant is required to work away.
- In return, the applicant provides support to his parents. Only if they live close by is this mutual care and support possible.
- Since Hope Bagot is a small parish it has a 'parish meeting' rather than a full parish council. At the time of the applicant's affordable housing eligibility application in 2017 it was unclear when the next meeting would be held, and so instead a member of the local community confirmed the applicant's longstanding local connections. He is stated to have lived in the parish for fourteen years, and attended a local school.

The applicant has therefore demonstrated strong local connections and also a need to live in the local area. Moreover, due to issues of affordability and availability he is unable to meet his housing need through the open market.

4.10.1 11/10/18 – comment:

To clarify the previous comments, and with specific reference to the four key elements of the eligibility assessment:

- Housing need: The applicant does not own a home of his own, and, along with his daughter, currently lives with his parents in the parish. This is unsuitable for his long-term housing needs and aspirations, meaning a housing need has been established.
- Strong local connections: Although ideally an applicant's local connections would be confirmed by the Parish Council, this has not proved possible in every case. Instead the local connections have been verified by Shropshire Council's Housing Enabling Team, based on the supporting information provided. In this case the applicant's father had discussed plans to build an affordable home with the chair of the previous parish meeting, who had passed away by the time the applicant needed to submit his eligibility application. It was therefore unclear when the next meeting would be held, but in order to be proactive in making his case the applicant secured a letter from a prominent member of the community who has known him since childhood. His local connections have therefore been confirmed.
- Local Need: The applicant and his daughter already live in the parish. He and his parents mutually support each other, with the applicant's need arising from the fact that he is a single parent who works full-time, and his father requiring

assistance as a result of poor health. This need for care and support forms the basis of the applicant's eligibility application.

- Affordability and availability of alternative properties: The applicant has disclosed details of his income and savings. These show that, whilst other properties of lower value may be available in the wider local area, they are still unaffordable to him.

The Housing Enabling Team is very much aware of the problem that households have in securing properties in rural areas where housing supply is low and prices are high. Based on the policy criteria, in this case the applicant has established a need to build an affordable dwelling on a rural exception site.

### **Public comments**

4.11 Fifty separate households and the Shropshire branch of the Campaign to Protect Rural England object on the following grounds:

- Hope Bagot is a small hamlet with few community services or facilities. The increased demand on what local infrastructure exists would be unsustainable.
- Anyone living in this remote village where property values are high would appear to rule themselves out of the need for an 'affordable' dwelling.
- The site is greenfield land outside the established built-up area of the village.
- The site is carved artificially out of a larger paddock. It would be impossible to prevent future expansion of the domestic curtilage beyond the 0.1-hectare policy limit, which would have the effect of enhancing the property's value.
- More suitable sites have been ignored, contrary to Paragraph 5.21 the Housing SPD which says only the most environmentally sustainable and appropriate site should be pursued. The Council should not have prequalified the proposed site, and no further consideration should be given to it.
- The Council has allowed the applicant to sidestep the policy requirement for his eligibility for an affordable home to be certified by the parish meeting. It is therefore unclear which qualifying criteria the applicant meets, and what substantiating evidence there is. Consequently this may be a purely speculative proposal to enhance the value of the land (even if it could only be sold to a qualifying local person), and where no exceptional circumstances apply.
- The fact that Hope Bagot has a parish meeting rather than a parish council is irrelevant, as the meeting is nevertheless an accountable body of appointed members which has existed and functioned throughout the duration of both this and the previous planning applications.
- The applicant's parents are currently marketing the Jays Farm bungalow, and land which may be more suitable for the proposed dwelling. Previously the entire holding was advertised for sale. The likelihood of the applicant's parents, or possibly the whole family, relocating undermines the stated need for an affordable dwelling in this location in order to ensure the availability of mutual care and support. Again this suggests the scheme is merely a ploy to enhance and profit from the value of the property as a whole, notwithstanding any restrictions on the sale of the development plot.
- There is a steady supply of existing homes in the local area (and no further from the applicant's daughter's school) being marketed at prices comparable to or



even lower than the likely construction costs of the proposed dwelling. Again this suggests there are no exceptional circumstances to justify the proposal.

- The scheme would have no wider public benefits, so there is nothing to outweigh its harmful effects.
- Attempting to make the new bungalow resemble a converted barn is misconceived. The land is no longer farmed, and in any event the separation between the development and the existing dwelling is such that they would look like two isolated bungalows rather than a coherent agricultural complex.
- Although the bungalow would be lower than the two-storey house proposed previously, its footprint is effectively twice as large and hence its bulk is also greater.
- Contrary to the Conservation Officer's comments this highly prominent, ugly and uncharacteristic bungalow, standing elevated in the middle of a field and surrounded by parked vehicles and other domestic paraphernalia, would detract from the settings of the surrounding, traditionally designed listed buildings.
- Although the Conservation Officer says the development would have a "negligible" impact on only long-distance views from the churchyard, as the church is Grade I-listed surely no new properties should be visible at all from any point within its setting.
- The HIA underestimates the impact on the church's setting, using a single photograph from a carefully selected viewpoint. In fact the development would be visible from all along the path up to the southern entrance, and from various individually listed memorials alongside.
- Impacts on the settings of Upper House, The Rectory and the village conservation area would be immediate and very damaging, and further planting would do nothing to avoid the development dominating Upper House in particular.
- The historic route of the adjacent bridleway, with its views towards the site channelled between the walls of Upper House and Mill Cottage, is integral to their setting and to the character of the conservation area.
- The development would be clearly visible from other footpaths across the fields to the north and east.
- Attempts to screen the development with further Leylandii bushes and cheap fencing, as already installed along the boundary with Upper House, would also be out of keeping with the historic environment and contrary to the SPD's guidelines on boundary treatments around affordable dwellings. In any event Historic England guidance advises that screening is no substitute for appropriately sited and well-designed development.
- The existing fencing and boundary vegetation is impermanent, unsightly and insufficient to screen the development, especially as it is outside the land which would transfer to the applicant. Already the Council has authorised the felling of several trees here.
- The existing stables between the site and Upper House are in poor condition and again provide no effective screening.
- The development would detract from the scenic quality, peace and tranquillity of the wider AONB, including striking views of the wooded hillside and horizon of Clee Hill.
- The development would reduce the area's appeal to tourists.

- Upper House and The Rectory would be overlooked by the development.
- Neighbours would suffer increased traffic noise. Already this has proved antisocial.
- Local residents were not consulted before the application's submission.
- Access to the site is via a narrow unmade bridleway which runs over a weak culvert and between two existing dwellings, one of them listed. Passage by large construction vehicles would be almost impossible without damaging these structures, blocking access and endangering walkers and horse-riders. The track is not publicly maintained, and neither do the applicant or his family contribute to its upkeep.
- It is unclear that any established rights to use the track/bridleway for vehicular access would also apply to a new dwelling.
- Already the applicants have obstructed the bridleway and a prescriptive right of way.
- The development would increase traffic on and hence further damage the already poor local road network.
- The plans show the septic tank and soakaways on ground higher than the development site, which may be impracticable.
- The development would exacerbate flooding of the access track, both by increasing run-off and blocking the culvert beneath it.
- No proper ecological survey has been completed.
- The site is surrounded by numerous ecologically important habitats supporting rare and protected species, including badgers, plus bats and spotted flycatchers which roost/nest in neighbouring buildings. Destroying the feeding and breeding habitats of these species is illegal, and furthermore they would be affected by increased noise and light pollution.

4.11.1 Two members of the public support the application for the following reasons:

- Many of the public objections follow the same format and appear to have been instigated by one or two individuals. Any personal issues with the applicant's family are irrelevant.
- The applicant is a local man with a young daughter, both of whom have disabilities and need to live in a quiet and safe environment where family members are available to support them.
- Government policy encourages the provision of affordable homes to enable young, local people to establish themselves on the property ladder.
- This would be one small house sited unobtrusively.

## **5.0 THE MAIN ISSUES**

- Principle of development
- Layout, scale, design and impact on historic environment/landscape
- Residential amenity
- Access and highway safety
- Drainage and flood risk
- Ecology

## **6.0 OFFICER APPRAISAL**

## 6.1 **Principle of development**

- 6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.
- 6.1.2 One of the exceptions mentioned under Core Strategy Policy CS5 and SAMDev Policy MD7a is where named individuals with strong local connections and who are in demonstrable housing need wish to build their own 'affordable' home. Detailed guidance on this initiative, including definition of the terms 'strong local connections' and 'housing need', can be found in the SPD referenced by the Housing Enabling Officer (Paragraph 4.10.1), who in this case is satisfied that those two aspects of the policy are met. Any permission granted would be subject to prior completion of a legal agreement to control the property's initial and future occupancy and cap its resale value, excluding any additional land subsequently transferred to it.
- 6.1.3 In response to the Parish Council's and other objectors' points on housing need:
- The Housing Enabling Officer's further comments (Paragraph 4.10.1) clarify that the applicant satisfies at least two of the local connections criteria (listed on Page 33 of the SPD) in that he currently lives in the local area, attended a local school, and he and his parents (who also currently live at Jays Farm) require each other's mutual support and care.
  - It is acknowledged that the applicant has not obtained formal written confirmation of his local connections from the Hope Bagot Parish Meeting. However, aside from the debate about whether or not the parish meeting has the same statutory powers as a parish council, the SPD does not explicitly require such confirmation, merely saying that "applicants are expected to be proactive in obtaining [it]". Ultimately the assessment of the applicant's eligibility is a specialised role undertaken by Shropshire Council's Housing Enabling Team, by whom the local planning authority is guided. It is also emphasised that in this instance the assessment was informed partly by confirmation from an upstanding member of the local community familiar with the applicant's circumstances.
  - The Housing Enabling Officer is aware of the recent marketing of the existing Jays Farm bungalow, but understands that, for personal reasons, the applicant's parents are seeking to move to another property nearby. Clearly the Council cannot ultimately control such matters, and there is also some possibility of the applicant securing planning permission and then marketing the plot or the completed dwelling. However the same would be true in any other case, and even if it did happen there would still be the wider public benefit of increasing the local stock of affordable homes whose occupation is restricted to eligible people in perpetuity.
  - Should the applicant's parents in fact end up wishing to move into the new dwelling, with or without their son, it is likely that they too would meet the relevant

criteria, and the situation would be comparable with affordable housing schemes elsewhere where current homeowners have sought to downsize.

- In discounting homes available on the local market, the Housing Enabling Officer establishes the applicant's inability to secure a mortgage against properties in that price bracket. The ability to finance a new-build is not explored, as obviously there are many unknown factors. However it should be noted that build costs can often be staggered, or free or cheap labour can be arranged.
- It is recognised that homes in this desirable location generally command high values. However this is a key part of the applicant's problem, as it effectively prices him (and indeed other young local people on relatively low incomes) out of the market. This is precisely what the affordable housing policy is intended to help address, initially by assisting specific individuals who have land available, but longer-term by increasing the stock of homes whose value is capped at a percentage of their market value.

6.1.4 Returning to the issue of location, even affordable homes on rural exception sites must be within or adjoining "recognisable named settlements" (although there is no particular requirement for the settlement to be 'sustainable' in the sense of having a full range of services and facilities). The SPD says that settlements comprise a group of houses occupied by households from different families, with the group becoming a settlement on account of the number dwellings and their proximity. It explains that a settlement's limits are defined by where the relationship between its various properties peters out, which varies from settlement to settlement. For example, a site a short distance from a scattered or loose-knit settlement may be considered to adjoin it, whereas a site a similar distance from a tightly clustered or nucleated settlement would not.

6.1.5 Although Hope Bagot is a small and quite widely dispersed village, it is a long-established and clearly identifiable settlement nucleated around the church, where there is an obvious sense of arrival. Claims that the application site is greenfield land are undisputed, but it does lie reasonably close to both the Hays Farm bungalow and Upper House, on the eastern edge of the main grouping, to which it would relate visually (see Section 6.2). Moreover there is already a wider scatter of properties off farm tracks, for example to the northeast and southwest of the village. In this context the site can comfortably be said to adjoin the settlement.

6.1.6 Regarding the objectors' comments about alternative sites, the SPD does indeed encourage early discussions with the local planning authority to establish any preference. Ultimately, however, the applicant is entitled to submit an application for whichever site he chooses, and the Council has a statutory duty to determine it. In any event officers are not persuaded that developing land southeast of Jays Farm would be necessarily more policy-compliant or indeed feasible, as it too has rising levels, is further from the village nucleus, would utilise the same access route, is in fact partially occupied by a large extension behind the original bungalow, and has extensive tree cover at its far end.

6.1.7 Given the above the scheme is considered acceptable in principle.

**6.2 Layout, scale, design and impact on historic environment/landscape**

- 6.2.1 The SPD prescribes a maximum plot size of 0.1 hectares and a maximum floor space of 100m<sup>2</sup> for owner-occupied affordable homes on rural exception sites, to help ensure their onward affordability. It also requires a particularly high standard of design sympathetic to the rural setting. Meanwhile Core Strategy Policies CS6 and CS17 and SAMDev Policy MD2 require all new development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, materials, architectural detailing, and safeguarding the historic and natural environment.
- 6.2.2 Under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority must pay particular regard to the desirability of preserving the special architectural or historic interest and setting of listed buildings, and preserving or enhancing the character and appearance of conservation areas. This is reflected by NPPF Part 16 and SAMDev Policy MD13, which attach great weight to conserving designated heritage assets. According to the NPPF, where a development would cause substantial harm to such an asset it should be refused permission unless that harm is necessary in order to achieve, and would be outweighed by, substantial public benefits, whilst less than substantial harm should be weighed against any public benefits. Additionally, Part 15 of the NPPF requires great weight to be given to conserving landscape character and scenic beauty in certain designated areas, including AONBs.
- 6.2.3 In this case the plans observe the relevant size limits. The floor space restriction is reinforced by Conditions 10 and 11 (the latter removing 'permitted development' rights for extensions and outbuildings), whilst the block plan shows the extent of the domestic curtilage delineated with new and existing hedges. Any future expansion of the plot would constitute a change of use requiring a further planning permission, and as mentioned already any future valuation would be based on the value of the dwelling itself.
- 6.2.4 Design is to some extent a subjective matter, but committee members may agree with the Conservation Officer that there is merit in the concept of a low, linear building resembling a converted barn. Whilst its disposition to other buildings might not follow a typical working farmstead layout, its form and materials would reflect the wider agricultural vernacular and officers consider the design appropriate given the rural setting, the variety amongst the surrounding dwellings, and the structure's considerably lower height than the two-storey house proposed previously. Neither are its bulk and massing felt to be excessive given the low eaves and ridgeline, and narrow gable ends.
- 6.2.5 It is acknowledged that there is a degree of inter-visibility between the site and the church, and that Upper House also features in these views. However the development's visibility would not necessarily amount to harm, and indeed the Conservation Officer endorses the submitted HIA's findings that its impact would be negligible. It is fair to say that the new dwelling would not be seen extensively throughout the churchyard, and where it is, it would be only partially visible through a narrow gap between Upper House and its outbuilding, and protruding just above

the latter. Its different orientation and darker finishes mean the form, construction and historic character of Upper House would remain clearly distinguishable, and furthermore its ridge would be set well below the skyline. In fact the arrangement would be broadly similar to the established juxtaposition of Upper House, its outbuilding and Mill Cottage, with their variety of construction, materials and roof lines forming a characterful, attractive and not unduly prominent grouping against the backdrop of the wooded hillside.

- 6.2.6 The fencing installed recently along the paddock's boundary with Upper House is barely discernible from the churchyard, and in any event is outside the application site and so of no direct relevance. However officers agree with objectors that the new boundary treatments around the site itself should comprise more sympathetic native hedging, and this can be ensured under a standard landscaping condition. Conditions can also be used to secure precise details of the external finishes and of ground and floor levels.
- 6.2.7 Heading up the access track and bridleway, the development should be largely concealed by existing buildings and vegetation until reaching the entrance to Jays Farm. Even from there it would be nestled fairly unobtrusively between the higher ground in the foremost part of the paddock and the established hedges to the north and northeast, and again set against the backdrop of the hillside beyond. Entering the paddock itself the church tower is discernible above the western boundary fence and Upper House, but this is a fleeting glimpse from private land, facing away from the development area.
- 6.2.8 Looking back from the footpaths to the north and east, the development would be set down behind, and largely concealed by, the field hedges. It would not obstruct any views of the church, Upper House, Hope Court Farm House, The Rectory or indeed other heritage assets, including the conservation area as a whole.
- 6.2.9 It is acknowledged that the development would be visible from Upper House itself. Again, however, these are not public views, and neither would that building's setting be compromised given that the views from its primary windows would be oblique, that there would be a generous separation of around 40 metres, and that the paddock containing the application site is and always has been separate physically, functionally and in ownership. Issues of residential amenity are discussed separately below.
- 6.2.10 Visual impacts aside, there is no reason to believe that, following some inevitable construction noise, normal day-to-day domestic activity on this site would have a greater impact on the area's tranquillity than does any other household in the village. Neither is the development likely to have any perceptible impact on the area's tourist appeal.
- 6.2.11 For these reasons it is suggested that the scheme would not demonstrably harm either the settings of the adjacent heritage assets or the essentially open character and scenic beauty of the wider landscape. Certainly if there were any harm to the historic environment it would be less than substantial, and, in the view of officers,

outweighed by the public benefit of securing an affordable dwelling for occupation by qualifying local people in perpetuity.

### 6.3 **Residential amenity**

6.3.1 For similar reasons as those discussed in Paragraph 6.2.9, it is judged that Upper House would suffer no significant overlooking, overshadowing or overbearing impact, despite the development being visible to some extent. Hope Court Farm House and The Rectory are even further away, and well screened.

6.3.2 As also mentioned already noise from people and traffic is unlikely to prove problematic long-term. Meanwhile any physical damage caused to neighbouring property during the construction stage would be a civil matter, as is responsibility for maintaining the shared access track. Furthermore, although the Council encourages applicants to discuss their proposals with the local community in advance, this is not a statutory requirement.

### 6.4 **Access and highway safety**

6.4.1 From a highway safety perspective the means of access is satisfactory, especially bearing in mind that the use of the track by two existing households plus agricultural/equestrian vehicles is established. The legality of driving along the bridleway is subject to other legislation, of which the applicant can be advised through an informative. Further informatives would emphasise the need to avoid obstructing any public or private rights of way, whilst refuse collection and deliveries should be no more problematic than they are for numerous other rural properties served by long and/or shared driveways.

6.4.2 The proposed parking and turning arrangements are also acceptable, and Condition 9 would ensure their completion before the dwelling is occupied. It is noted that the Highways Development Control Team raises no concerns regarding the capacity of the local road network.

### 6.5 **Drainage and flood risk**

6.5.1 The submitted plans indicate the position of the proposed septic tank and its drainage field, whilst the application form specifies further soakaways for surface water drainage. There is no obvious reason why the septic tank system would not work if it were to be installed at a lower level than the house or else equipped with a pump. Nevertheless it is considered reasonable to secure precise drainage details by condition, bearing in mind the topography and the risk of surface water flooding, including along the access track.

6.5.2 Any damage to or blockage of the culverted watercourse would be a civil matter and/or subject to other controls outside the planning system.

### 6.6 **Ecology**

6.6.1 As noted above the site and its surroundings have now been assessed by a licensed ecological consultant, and the Council's Ecology Team is satisfied that direct impacts on protected and priority species are unlikely provided the proposed mitigation measures are adhered to. This can be reinforced by Condition 8, whilst other

conditions would secure the Ecology Team's suggested enhancements and control external lighting. Informatives setting out the relevant wildlife legislation would provide a further safeguard.

## **7.0 CONCLUSION**

7.1 Although Hope Bagot is a small rural village not designated for new open market housing, this particular scheme is acceptable as an exception since the site adjoins the settlement and the new dwelling would be designated affordable to meet a specific local need. Its scale, design and siting are satisfactory, and whilst it would inevitably be visible from some aspects, it would not demonstrably harm the settings of the surrounding heritage assets or the character and scenic quality of the wider landscape. Furthermore there are no undue or insurmountable concerns regarding residential amenity, access, drainage or ecology. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to prior completion of a legal agreement to ensure that the property remains 'affordable' in perpetuity, and to conditions to reinforce other critical aspects.

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

### **8.1 Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.



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

### 8.3 **Equalities**

8.3.1 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**

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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 **BACKGROUND**

### **Relevant Planning Policies:**

#### Central Government Guidance:

National Planning Policy Framework

#### Shropshire Local Development Framework:

#### Core Strategy Policies:

- CS1 - Strategic Approach
- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS7 - Communications and Transport
- CS11 - Type and Affordability of housing
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management

#### SAMDev Plan Policies:

- MD1 - Scale and Distribution of Development
- MD2 - Sustainable Design
- MD7A - Managing Housing Development in the Countryside
- MD12 - Natural Environment
- MD13 - Historic Environment

#### Supplementary Planning Documents:

Type and Affordability of Housing

### **Relevant Planning History:**

16/05675/FUL – Erection of an affordable dwelling (single plot rural exception site); installation of septic tank (withdrawn March 2017)

## 11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P98F3HTD07V00>

<b>List of Background Papers:</b>
Application documents available on Council website
<b>Cabinet Member (Portfolio Holder):</b>
Cllr R. Macey
<b>Local Members:</b>
Cllr Richard Huffer
<b>Appendices:</b>
Appendix 1 – Conditions and Informatives

### **APPENDIX 1 – CONDITIONS AND INFORMATIVES**

#### **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 in strict accordance with the approved plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

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

3. No development shall commence until precise details of existing and proposed ground levels, plus the finished floor level of the dwelling hereby permitted, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the external appearance of the development is satisfactory, and to minimise the flood risk to the development, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

4. No development shall commence until precise details of the means of surface water and foul drainage have been submitted to and approved in writing by the Local Planning Authority. These shall include:
- Percolation test results and sizing calculations for any surface water soakaways, and provision for a silt trap or catch pit upstream of the drainage field
  - Details of other/alternative means of surface water drainage, to include measures to avoid run-off onto adjacent highways
  - Sizing calculations and a specification for any existing or proposed package treatment plant or septic tank
  - Percolation test results and sizing calculations for any foul water drainage field, or details of any alternative means of discharge
  - Details of any alternative foul drainage system
  - A drainage layout plan

The approved scheme(s) shall be implemented in full prior to the first use/occupation of the development, and shall thereafter be retained thereafter.

Reason: To ensure that the development is provided with satisfactory means of drainage and avoid causing or exacerbating flooding or pollution on the site or elsewhere, in accordance with Policies CS6, CS17 and CS18 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

5. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping, which shall include:
- Survey of all existing trees and hedgerows on the site and along its boundaries
  - Identification and measures for the protection of existing trees and hedgerows which are to be retained
  - Schedules/densities of proposed planting
  - Details of any other boundary treatments/means of enclosure and any other fences, walls or retaining structures
  - Details/samples of hard surfacing materials
  - Timetables for implementation

The works shall be completed in accordance with the approved details. Thereafter, all fences, walls, hardstandings and other hard landscaping shall be maintained in accordance with the approved details in the absence of any further specific permission in writing from the local planning authority, whilst any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the external appearance of the development is satisfactory, and to help safeguard the visual and residential amenities of the area, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

### **CONDITIONS THAT REQUIRE APPROVAL DURING CONSTRUCTION/PRIOR TO OCCUPATION OF THE DEVELOPMENT**

6. No above-ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

7. Prior to the first use or occupation of the new dwelling hereby permitted, artificial roosting opportunities for bats and nesting opportunities for wild birds shall be provided at the site in accordance with details which shall first be submitted to and approved in writing by the local planning authority. This provision shall include:
- A minimum of one external Woodcrete bat box or integrated bat 'brick' suitable for nursery or summer roosting by small crevice-dwelling bat species
  - A minimum of one artificial 'nest' suitable for sparrows (i.e. 32mm hole, terrace design), starlings (42mm hole, starling-specific design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups)

These shall be retained thereafter for the lifetime of the development.

Reason: To maintain/enhance roosting opportunities for bats and nesting opportunities for wild birds, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### **CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

8. All works associated with the development hereby permitted, including demolition and site clearance works, shall be carried out in accordance with the recommendations set out in Sections 16 and 18 of the 'Ecological Constraints Assessment' report prepared by Star Ecology, referenced JBBD/2083/18.1, dated 12th November 2018 and received by the Local Planning Authority on 14th November 2017.

Reason: To safeguard protected and/or priority species and habitats, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

9. Prior to the first use or occupation of any part of the development hereby permitted, vehicle parking and turning areas shall be laid out and completed in accordance with the approved plans. These shall thereafter be retained for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

10. At no time shall the gross internal floor space of the dwelling hereby permitted exceed 100 square metres, and to this end no additional habitable space beyond that shown on the approved plans shall be formed through external or internal alterations without prior written approval from the local planning authority.

Reason: To ensure that the dwelling remains of a size which is 'affordable' to local people in housing need, in accordance with Policy CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

11. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking or re-enacting that Order), no garage, car port, extension or other building/structure shall be erected within the curtilage of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area, and to ensure that the dwelling remains of a size which is 'affordable' to local people in housing need, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

12. No external lighting shall be installed or provided on the site other than in strict accordance with a detailed scheme which shall first be submitted to and approved in writing by the local planning authority. This shall be designed so as to take into account the guidance contained in the Bat Conservation Trust document 'Bats and Lighting in the UK'.

Reason: To minimise potential disturbance to bats and safeguard the visual amenities of the area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

## **INFORMATIVES**

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015 a fee (currently £116) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. This permission should be read in conjunction with the legal agreement under Section 106 of the Town and Country Planning Act 1990 which refers specifically to this development.
3. This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway (including any footway or verge);
  - carry out any works within the publicly maintained highway;
  - authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
  - disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

4. If the new vehicular access and/or parking/turning areas hereby permitted would slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water to drain onto the public highway or into highway drains.
5. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
6. This consent does not convey any right of vehicular access over any public right of way, and it is a road traffic offence to drive a motor vehicle on a public footpath, bridleway or restricted byway without lawful authority. Any person intending to use a right of way for vehicular access should first satisfy themselves that such a right exists, if necessary by taking legal advice.
7. This planning permission does not authorise the obstruction, realignment, reduction in width, resurfacing or other alteration of any public right of way, temporarily or otherwise. Before carrying out any such operation you should consult Shropshire Council's Outdoor Recreation Team and obtain any closure order or further consents which may be required.
8. This planning permission does not authorise any right of passage over, or the obstruction, realignment, reduction in width, resurfacing or other alteration of, any private driveway or right of access. Before carrying out any such operation you should first satisfy yourself

that you have the necessary consent from the landowner(s) and any other affected party, if necessary by taking legal advice.

9. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
10. In arriving at this decision the 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.

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Committee and date

Southern Planning Committee

30 November 2021

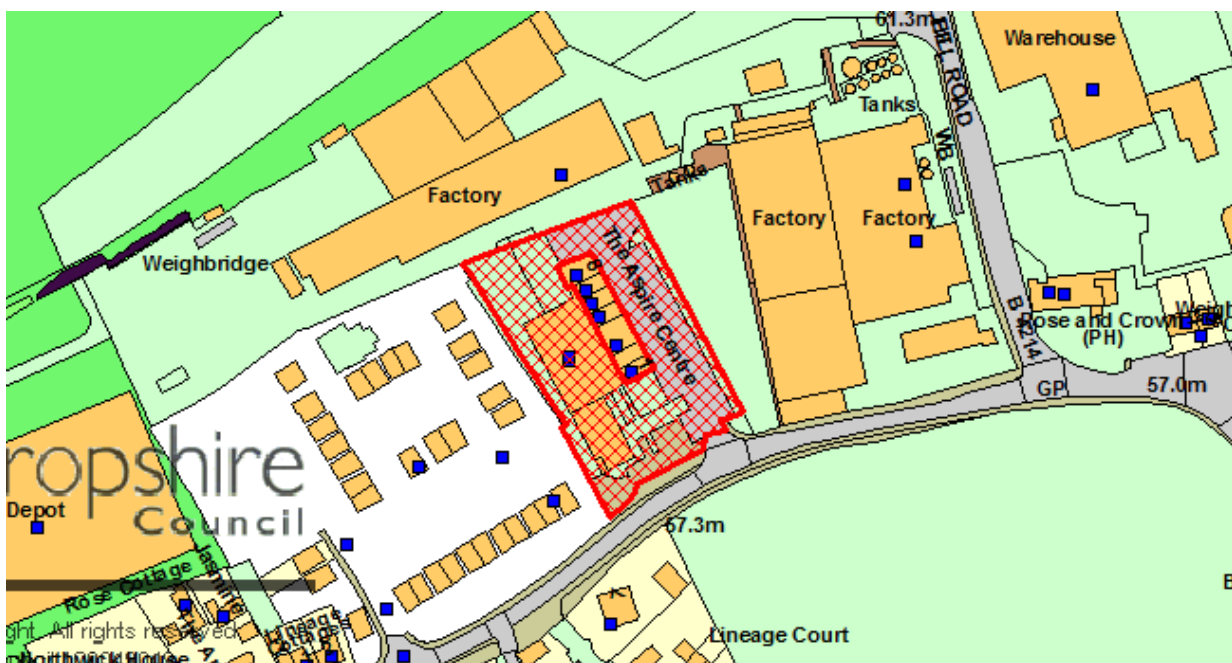
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 21/03438/COU	<b>Parish:</b>	Burford
<b>Proposal:</b> Change of use of the Aspire Centre building from Use Class F1 (learning and non-residential institution) to Use Classes E(e), E(g), B2 and B8		
<b>Site Address:</b> The Aspire Centre Burford Shropshire WR15 8HE		
<b>Applicant:</b> Shropshire Council		
<b>Case Officer:</b> Richard Fortune	<b>email</b>	: richard.fortune@shropshire.gov.uk

**Grid Ref:** 359127 - 268822



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application relates to a building last used in March 2019 for purposes falling within use class F1 which relates to learning and non-residential institutions. It operated as a engineering centre with industrial and mechanical workshops and associated offices and training rooms. It is proposed that the use of the building be changed to encompass the following range of uses in Class E - Commercial, Business and Services, together with B2- General Industrial and B8 - Storage and Distribution. The Class E uses would be restricted to:

Class E(e) Provision of medical or health services (except the use of premises attached to the residence of a consultant or practitioner)

Class E(g) Use covering (i) offices to carry out any operational or administrative functions; (ii) research and development of products or processes; and (iii) any industrial process which can be carried out in a residential area without detriment to its amenity.

The B2 General industrial use would exclude incineration purposes, chemical treatment, landfill or hazardous waste. The Class B8 use includes open air storage.

- 1.2 The gross internal floorspace is some 1181.1 square metres and forms part of a group of existing industrial/commercial buildings. The site includes a yard and parking area totalling some 0.431 hectares. No alterations to the building are proposed as part of this application, which is to facilitate the letting or sale of the premises which have been vacant for over two years. All industrial processes would take place inside the building.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated on the outskirts of south Shropshire. The Aspire Centre is a modern estate in Burford, near Tenbury Wells. The site comprises of eight individually let small business units, which are used for a variety of predominantly industrial uses. A large warehouse and office unit, previously utilised as an Engineering Centre of Excellence to teach motor vehicle repairs to college students, along with a yard area and ample car parking spaces. It is this building which is the subject of the current application. There are 8 existing small workshop units abutting the eastern side of the building which are excluded from this application.

The Aspire Centre is surrounded by industrial occupiers to two sides, a new infill residential housing development to the third boundary, with other large industrial

premises in the immediate vicinity and is accessed directly from the public highway (A456 (30mph) road network).

The site is generally level, the building and car park are visible from the A456 road, there is existing fencing towards the rear of the site, along with mature trees and hedgerows around the whole site area.

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

3.1 The application is made by Shropshire Council and the proposal is not one in line with statutory functions. The application must therefore be determined by Committee in accordance with the adopted scheme of delegation.

### **4.0 Community Representations**

#### **Consultee Comment**

4.1 Burford Parish Council - No comments received.

4.2 SC Highways Developing Highways Manager (25.10.21) - No Objection:

Whilst it is understood that it is difficult to evaluate the likely impact of the change of use of the site as the end user is not yet known, the site will have a permitted use class ( E(e), E(g), B2 and B8) as a result of this application and this needs to be considered from a highways perspective, hence the request from WSP for further information . Shropshire Council as landowner may have a level of control over the initial sale of the site, but subsequent sales will fall outside Shropshire Councils control, unless the premises is let rather than sold. it is recommended that Shropshire Council as landowner give due consideration to the future use of the site and the purchaser in the first instance to minimise the overall impact on the surrounding highway network.

Despite the above, whilst I can understand the rationale behind WSP requesting further highways information prior to this application being determined, I would take the view that it is not necessarily required in view of the existing use of the site, and the proximity to the A456. It is considered that the likely impact on the surrounding road networks of any change of use on the site is going to be relatively low. Any increase in HGV's movements are likely to be accommodated on the surrounding network. It is possible that any new occupant of the site may need to make changes to the site layout, which will be subject to future planning applications.

In view of the above, I can confirm Shropshire Council as Highway Authority raises no objection to the granting of consent for the above mentioned application. At this time we will not require any highway related planning conditions be attached to the permission granted unless any highway specific issue is raised prior to determination.

4.2.1 SC Highways (Consultants) (17.08.21) - Comment:

The principle of the proposed change of use raises no highway concerns subject to satisfactory on-site provision of parking, turning and servicing arrangements to cater for the parking/traffic demands of the future occupiers of the buildings/units.

The proposed change of use from a college/educational centre to business use including B8 storage and distribution, which also includes outdoor storage could potentially generate a different pattern and type of traffic, in particular larger commercial traffic and hgv's.

As submitted the application has not been supported with a transport statement to outline the potential operational need of the parking and servicing requirements of the proposed uses, or those already accounted for by the use of the existing 8 units excluded from the application. The location plan also lacks the detailed internal layout of the site, indicating the availability of the parking, and servicing areas, and in particular the suitability of these areas to cater for commercial traffic.

4.3 SC Environmental Protection - No further comments received in response to re-consultation on additional information sent 28.09.21.

4.3.1 SC Environmental Protection (19.08.21) - Comment:

Have concerns regarding potential amenity impact given the very close proximity of the site to both existing and proposed residential dwellings. I would therefore not recommend that the change of use includes B2 General Industrial.

Also given the uncertainty regarding what type of business would occupy the site would recommend that hours of use are restricted by condition to the following times: 07:00 till 18:00hrs Monday to Friday, 07:00 till 12:00hrs on a Saturday, nor at any time on Sundays, or Public Holidays.

Additionally would recommend a condition requiring that external plant, machinery or extract ventilation shall not be operated on site without prior approval of the planning Authority.

**Public Comments**

4.4 Site notice displayed 11-08-2021. Adjacent commercial premises consulted by letter dated 02-08-2021. There has been no response to this publicity.

**5.0 THE MAIN ISSUES**

Principle of development  
Highway Safety  
Residential Amenity

**6.0 OFFICER APPRAISAL**

## 6.1 Principle of development

6.1.1 Planning permission SS/1/99/009892/F, granted on 7th June 1999, was for the demolition of existing buildings, erection of engineering centre of excellence and 8 workshops, and associated works. There were no conditions attached to that permission restricting the use of the workshops, which can therefore be used for Class B2 General Industrial purposes as well as the former Class B1 Business Uses now included in the replacement Use Class E from 1st September 2020. Three of the workshop units have received permission for use as a gym, a vets and for private hire vehicles. The principle of the proposed re-use of the premises for alternative employment uses would accord with Shropshire Core Strategy policies CS4 (Community Hubs and Clusters) and CS13 (Economic Development, Enterprise and Employment), with Site Allocations and Management of Development (SAMDev) Plan policy MD1 identifying Burford as a Community Hub. It would also be in line with policy MD4 which relates to managing employment development. The acceptability or otherwise of the proposals therefore turns upon the likely site-specific impacts on the locality. With no physical alterations being proposed to the building these matters in this case are highway safety and residential amenity, which are considered in turn below.

## 6.2 Highway Safety

6.2.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 110 it advises that sites should give opportunities to promote sustainable transport modes appropriate to the type of development and its location, have a safe and suitable access for all users and that whether any significant impacts on the transport network or highway safety can be cost effectively mitigated to an acceptable degree. It continues at paragraph 111 stating development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Core Strategy policy CS6 seeks to achieve safe development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

6.2.2 The end user of the premises is not yet known and the purpose of the application is to make it available for a broad range of uses to match that which is already possible with the smaller workshop units on site. Whilst the Council's Highways Consultants initially sought additional information on likely traffic generation, this level of detail could only be provided if the specific end user is known. A further review of the highway implications of this proposal by the Council's Developing Highways Manager is set out at 4.2 above. She concludes that this information is not essential in this site context given the existing approved uses for the site and the access direct onto the A456. The access into the site would be suitable for the proposed uses and the impact of traffic generated on the surrounding road network would be unlikely to result in severe residual cumulative impacts.

6.2.3 A condition of the current planning permission SS/1/99/009892/F (Number 8) stated that the building shall not be occupied until the areas shown on the approved plan for the loading, unloading and parking of vehicles have been drained, constructed

and hard surfaced and continues by stating "...and those areas shall not thereafter be used for any purpose other than the loading, unloading and parking of vehicles." The reason given for this condition is to provide for the loading, unloading and parking of vehicles off the highway, in the interests of highway safety. It would be appropriate to repeat this in a condition on any new permission for the proposals contained in the current application.

6.2.4 It is concluded that a refusal on the grounds of the proposals being detrimental to highway safety could not be sustained in this case.

### 6.3 **Residential Amenity**

6.3.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are the affordable dwellings nearing completion on land which borders the western side of this application site. (Ref. 19/02315/FUL). That housing is bounded by the A456 to the south and existing factory premises to the north and partially to the west. Condition 12 of that permission requires the housing development to be carried out in accordance with noise mitigation measures contained in the Environmental Noise Assessment to achieve facade sound insulation, through the glazing and ventilation specifications set out in it and the installation of 3 metre high close boarded acoustic fencing along much of the eastern site boundary with the Aspire Centre, which has been installed. (Five dwellings in the approved housing scheme have rear gardens backing onto the current application site which would be enclosed by this fencing). There are also properties at Lineage Court, but these are to the south on the opposite side of the A456.

6.3.2 The proposed uses sought under class E can, by definition, be carried out in a residential area without causing detriment to that area. A class B2 (General Industrial) use has the potential to cause disturbance. It is for these reasons that the Council's Environmental Protection Team have made the comments at 4.3.1 above, suggesting a number of conditions. The applicants have advised that they would prefer to leave the B2 use in the application to allow for maximum flexibility for future use of the site. It would not be practical to enforce the hours condition suggested by Environmental Protection with the existing workshop buildings on the site being available for class B2 uses and not being subject to such a restriction. It would be necessary and reasonable on any approval to attach their other recommended conditions requiring that external plant, machinery or extract ventilation shall not be operated on site without prior approval of the planning Authority. In addition, it could be stipulated that doors and windows be kept closed when any powered machinery associated with a class B2 use is in operation inside the building. On balance, it is considered that these conditions, in conjunction with the noise insulation measures already being installed as part of the closest housing development, would provide sufficient mitigation to ensure that there would be no undue harm to the residential amenities of the locality in comparison with the present situation.

6.3.3 Condition 5 of planning permission SS/1/99/009892/F for the engineering centre and 8 workshops states:

"No raw materials, finished or unfinished products, parts, crates, packing materials or waste shall be kept on the site except within the buildings or storage areas specified on the approved plans unless the Local Planning Authority otherwise first agrees in writing."

The reason given for this condition is to safeguard the amenities of the area. It would be appropriate to attach a similarly worded condition to any grant of planning permission in this case.

## **7.0 CONCLUSION**

7.1 There is no in-principle planning policy objection to the building that was constructed as an engineering centre, which falls within the present Class F1 learning and non-residential institution use class, being used for the range of employment uses proposed in this application.

7.2 The local road network has the capacity to accommodate safely the traffic likely to be generated and the site access is suitable for the uses proposed. The Class E(e) medical or health services and Class E(g) offices, research and development and any industrial process (which are ones which can be carried out in a residential area without causing detriment to the amenity of the area) are, by definition, ones which would be compatible with nearby residential development. While the class B2 general industrial use also sought has the potential to cause disturbance, account must be taken of the existing units on site which may be used for unrestricted class B2/B8 uses. On balance it is considered that the potential residential amenity impact of the building being used for these purposes can be satisfactorily mitigated through the conditions recommended in respect of external plant, closure of doors and windows when any class B2 use machinery is in operation and maintaining the existing restriction on outside storage.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:



CS4 - Community Hubs and Community Clusters  
CS6 - Sustainable Design and Development Principles  
CS13 - Economic Development, Enterprise and Employment  
MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD4 - Managing Employment Development

RELEVANT PLANNING HISTORY:

SS/1/6360/P/ Erection of a screen wall 2.5m high around effluent plant extension of existing boiler house wall to level with wall either side. PERCON 11th January 1996  
SS/1/3485/P/ Erection of an infill factory unit. PERCON 27th May 1993  
SS/1/3169/P/ Erection of an extension for a toilet block PERCON 4th March 1993  
SS/1989/578/P/ Temporary installation of two toilet blocks and adjoining lobby. PERCON 31st August 1989  
SS/1977/369/P/ Erection of an extension to existing factory. PERCON 23rd September 1977  
SS/1976/68/P/ Erection of a steel portal frame building (30' x 24') to form covered area for loading and unloading goods. PERCON 12th March 1976  
SS/1974/875/P/ Erection of electrical sub-station. PERCON 23rd August 1974  
SS/1/04/15692/F Change of use of warehouse for storage to hire of private hire vehicles and installation of LPG bulk tank. PERCON 3rd June 2004  
SS/1/00/11118/AD Erection of a freestanding sign. PERCON 29th June 2000  
SS/1/99/009892/F Demolition of existing buildings, erection of engineering centre of excellence and 8 workshops, and associated site works. PERCON 7th June 1999

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning Statement
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member  Cllr Richard Huffer
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. Prior to the installation of any external plant/machinery/ventilation equipment on the building details of measures to be taken to mitigate the impact of noise, odours and vibration associated with that equipment shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the equipment being brought into use and shall thereafter be retained for the lifetime of that equipment.

Reason: To safeguard the residential amenities of the locality.

4. The doors and windows of the building shall be kept closed at all times that powered machinery associated with a Class B2 Industrial use is in operation inside the building.

Reason: To safeguard the residential amenities of the locality.

5. No raw materials, finished or unfinished products, parts, crates, packing materials or waste shall be kept on the site except within the building or in storage areas which have been approved in writing by the local planning authority.

Reason: To safeguard the amenities of the area.

6. The external areas shown on the approved plan for the loading, unloading and parking of vehicles shall be retained on commencement of use(s) hereby approved and shall not thereafter be used for any purpose other than the loading, unloading and parking of vehicles.

Reason: To provide for the loading, unloading and parking of vehicles off the highway, in the interests of highway safety.

7. The building shall be used solely for purposes falling within Classes E(e), E(g), B2 and

B8 of the Town and Country Planning (Use Classes) Order 1987, as amended through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Reason: To define the permission for the avoidance of doubt.

### **Informatives**

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

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<u>Committee and date</u>
Southern Planning Committee
30 November 2021

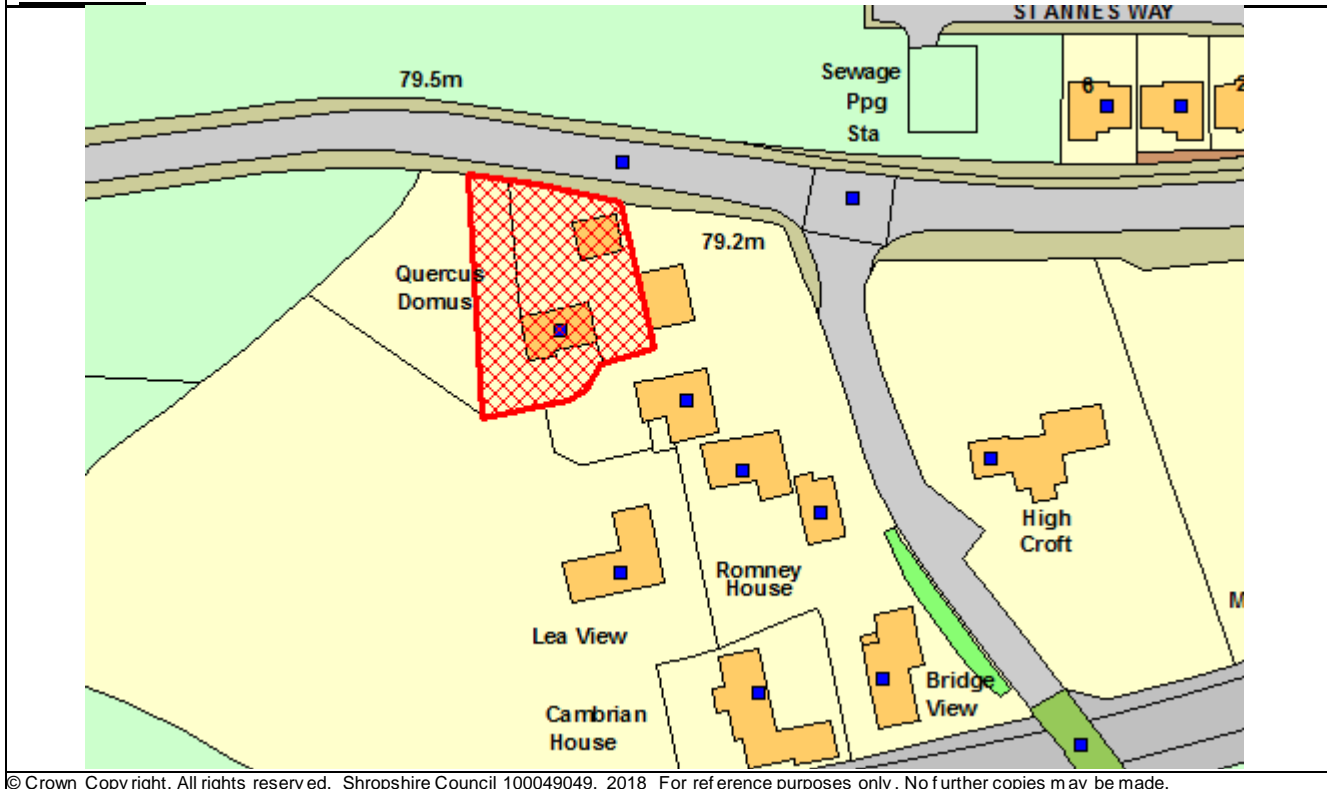
## Development Management Report

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

### Summary of Application

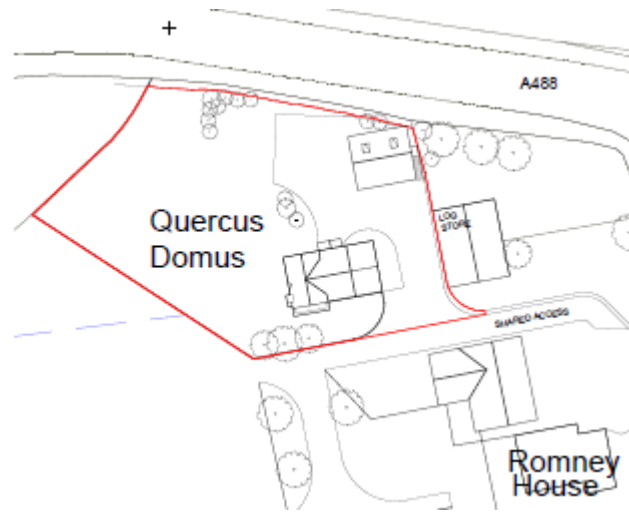
<b><u>Application Number:</u></b> 21/03707/VAR	<b><u>Parish:</u></b>	Pontesbury
<b><u>Proposal:</u></b> Variation of condition 2. to allow for amendments to the existing garage.		
<b><u>Site Address:</u></b> Quercus Domus, Pond Lane Hanwood, Shrewsbury, SY5 8JR		
<b><u>Applicant:</u></b> Mr Jack Goodall		
<b><u>Case Officer:</u></b> Tim Rogers	<b><u>email:</u></b> <a href="mailto:planningsouthern@shropshire.gov.uk">planningsouthern@shropshire.gov.uk</a>	

**Grid Ref:**

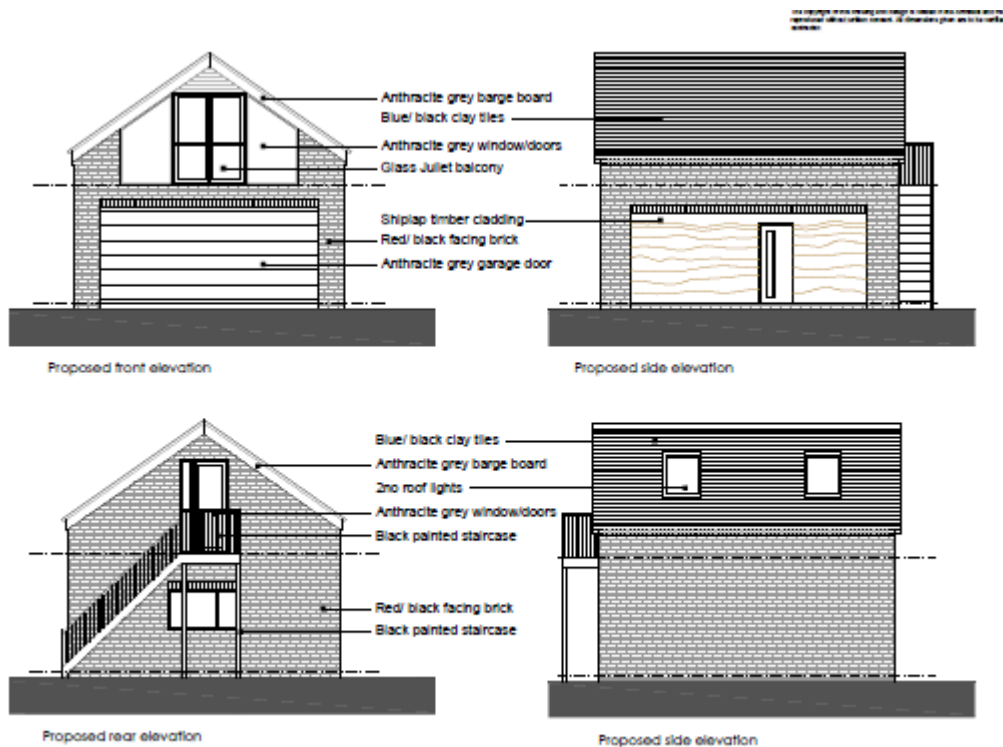


**Recommendation:** Grant permission subject to conditions and variation of relevant S106 Agreement.





And the following elevations for the proposed garage:-



1.4 As may be seen from the plans above, as well as being in a different location the plans for the garage as now proposed show a higher building with an external staircase and some first-floor accommodation to provide an office area for the applicant. The first floor space will primarily be in the the roofspace to the building. The openings proposed at first floor level are a single door off the staircase, two rooflights and a picture window with Juliet balcony on the western elevation above the main garage door.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application relates to a two storey (affordable) dwelling set the west of a property called Romney House close to the junction of Pound Lane and the A488 in the western part of Hanwood to the South-West of Shrewsbury. The property shares an access with Romney House which is off Pound Lane and there are no other immediate neighbours.

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

- 3.1 The application has been submitted by a member of staff who reports indirectly to the Planning Services Manager and therefore the adopted scheme of delegation requires that the application be determined by the relevant committee.

## **4.0 COMMUNITY REPRESENTATIONS**

### **Consultee comments**

- 4.1 Pontesbury Parish Council have objected to the proposal and made the following comments:-

The design of the garage and room above is too big and too intrusive, as well as being unnecessarily domesticated, which lends itself to becoming an annex in the future. The height of the building interferes with the vista, the building is now so close to the boundary that the outside staircase and balcony impinge on the privacy of the neighbours. Pontesbury Parish Council has serious concerns of retaining the property as an affordable home should the application be granted. We note that in view of the size of the garage, the applicant appears to have changed the western boundary using agricultural land which has enlarged the garden. The Parish Council is completely opposed to this application, and we believe that in light of our comments the applicant needs to take down the garage building and submit an application to build a new garage. Should the Local Planning Authority be minded to approve this application, Pontesbury Parish Council believes it will set a precedent.

### **Public comments**

- 4.2 Two letters of support have been received from the occupiers of neighbouring properties. The comments received may be summarised as follows:-

- The design is in keeping with the original build and area.
- Don't consider that the size or location of the garage is imposing or impactful to its neighbours or passers by.
- The glazed gable design complements the design of the property next door.
- The extension to the family home, will allow the family to continue to comfortably reside here without the need to relocate.

- 4.3 In addition to the above the applicant has responded to the Parish Councils comments as follows:

1. The Parish Council's basic underlying concern is that my requested variation to the original planning permission will somehow prejudice the role or status of Quercus Domus as an affordable dwelling. I can only assume that the Parish Council is unaware of the content and tone of the Planning Inspector's



appeal decision letter of June 2019 (Ref 18/04951/VAR) which removed Conditions 8, 9 and 10 attached to the original planning permission (Ref 13/01656/FUL) for Quercus Domus. Following that decision no longer is the internal floor area necessarily restricted to 100 sq m nor is there any longer any restriction on utilising garage space as residential accommodation. Relative to the latter relaxation I hasten to add that I have no plans to utilise the garage space other than as indicated in my currently submitted plans.

2. The Parish Council's objection to the appearance of the garage is obviously subjective. Planning Officers have been aware of the design and siting of the garage building for some months now but have intimated no problem in these respects.
3. With due respect to the Parish Council I don't understand the objection to the external staircase and Juliet balcony. Relative to the external staircase on the east elevation of the building the site abutting this boundary of Quercus Domus is just open land with a log store. It is not a domestic property. The nearest neighbour on this side is High Croft situated on the other side of Pound Lane and set back some 75m and outside the direct line of sight from the external stairway. Relative to the Juliet balcony on the west elevation this looks towards open countryside. Therefore, I think it reasonable to say that use of the building will not infringe anyone's privacy.
4. Finally, with the benefit of hindsight we have recognised that the domestic curtilage as per the approved plan will leave an unusable corner of the adjacent field. I felt it would be more practical to extend this corner into the curtilage as indicated in the current submission. However, if this is an issue I will revert to the curtilage as initially approved.

## **5.0 THE MAIN ISSUES**

- Principle of development
- Layout, scale, design of proposed garage
- Residential amenity of adjoining occupiers
- Impact on affordability of dwelling

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 The principle of the development of the site for an affordable dwelling with detached garage has already been established by the original planning permission ref 13/01656/FUL. It is accordingly only the position and design of the garage that is up for consideration as a result of the current application.

6.1.2 The applicant has indicated that they wish to also seek approval for extension of the residential curtilage into land west of the original approval. It is however not possible to amend the application site by variation of an existing permission, and therefore this will need to be the subject of a separate application for change of use should they wish to pursue this.

### **6.2 Layout, scale and design of proposed garage**

- 6.2.1 As can be seen from the plans at the head of this report the original approval included the erection of a single storey double garage in the north-western corner of the application site close to the boundary with the A488 and an open field. The location of the garage as now proposed and constructed is in the north-eastern of the site still close to the boundary with the A488 and also adjacent to an area of garden to an adjoining property which accommodates a barn/store outbuilding for that property. Although the building as now proposed (and erected) is higher than that originally approved it is sited closer to the group of buildings that comprise the application property and its neighbour and is not considered to be unduly high or prominent.
- 6.2.2 As will be demonstrated by photographs presented at the meeting the proposed building is of a contemporary design which is in keeping both in terms of appearance and scale with the adjoining approved buildings. Whilst visible from the adjacent highway it is not overly prominent or domineering and its visual impact will continue to diminish as the building ages and adjacent vegetation continues to mature.
- 6.2.3 Given the above it is considered that the proposal is acceptable in terms of its location, scale and design.

### **6.3 Residential Amenity of adjoining occupiers**

- 6.3.1 The plans for the garage as proposed include an external staircase and first floor doorway in the eastern elevation. This overlooks land forming part of a neighbouring property although it is some distance from that dwelling and is separated by a barn/store. Given the physical relationship between the properties, and whilst acknowledging the concerns raised by the Parish Council, it is not considered that the degree of overlooking would be unacceptable. There are no other implications for the occupiers of adjoining properties and no objections have been received from neighbours in this regard.

### **6.4 Impact on affordability of dwelling**

- 6.4.1 In 2018 an application (ref 18/04951/VAR) was made to remove a condition imposed on the original consent for the affordable dwelling. The condition in question limited the gross internal floorspace of the dwelling to 100 square metres in line with the Councils adopted policy on affordable dwellings. The application was refused by the Council and the applicants subsequently appealed. The appeal was successful and a planning Inspector allowed the appeal and removed the condition on the basis that the future affordability of the dwelling was secured by a S106 agreement. Furthermore, the Inspector also took out conditions 9 and 10 from the consent, which removed permitted development rights and restricted use of the garage as additional living accommodation respectively.
- 6.4.2 It is clear from the previous Inspectors decision that he considered that the affordability of the dwelling was appropriately secured by the S106 Agreement regardless of any further additions or alterations to the property. Accordingly it should be accepted in consideration of the current proposal, that as the S106 remains in place the same consideration should apply and approval of the amended garage details will not materially affect the affordability of the property.

- 6.4.3 Approval of an application to vary a planning permission results in a new planning permission which sits alongside the original consent. Therefore, in this case, should the application be approved it will necessitate a variation to the original S106 Agreement to ensure that it also relates to the new consent and thereby restricts the value of the property in perpetuity as required by adopted policy.
- 6.4.4 The applicant has previously applied to have the affordable tie on the property removed (application withdrawn) and may do so again in the future, but that is a separate matter to the current application.

## **7.0 CONCLUSION**

- 7.1 Whilst acknowledging that the application is retrospective and that this is in itself a cause of concern to some parties, the application must nevertheless be considered purely on its planning merits. The material considerations to be taken into account are set out above and no conflict with adopted policies or unacceptable impacts have been identified. Accordingly, subject to appropriate conditions, and to the applicant entering into a variation to the S106 Agreement for the property as set out above. It is recommended that the application be approved.

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

### **8.1 Risk management**

- 8.1.1 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**

- 8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

### 8.3 Equalities

8.3.1 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

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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 BACKGROUND

### Relevant Planning Policies:

#### Central Government Guidance:

National Planning Policy Framework

#### Shropshire Local Development Framework:

#### Core Strategy Policies:

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

#### SAMDev Plan Policies:

MD2 - Sustainable Design

Supplementary Planning Documents: Type and Affordability of Housing

### Relevant Planning History:

PREAPP/12/00448 Erection of a dwelling NPW 22nd April 2013

PREAPP/12/00454 Single plot exception site PREAIP 13th November 2012

13/01656/FUL Erection of a 2-bed affordable dwelling and detached double garage GRANT  
18th June 2014

14/04658/DIS Discharge of Conditions 3 (External Materials), 4 (Boundary Treatments), 5 (Foul & Surface Water) and 6a (Land Contamination) on Planning Permission 13/01656/FUL for the erection of a 2-bed affordable dwelling and detached double garage DISAPP 25th November 2014

18/04951/VAR Removal of Condition No.8 (gross internal floor area) attached to planning permission 13/01656/FUL - Erection of a 2-bed affordable dwelling and detached double garage REFUSE 20th December 2018  
20/00996/DSA106 Discharge of S106 agreement attached to planning permission reference 13/01656/FUL WDN 11th November 2020  
21/03707/VAR Variation of condition 2. to allow for amendments to the existing garage. PCO

Appeal

19/02711/REF Removal of Condition No.8 (gross internal floor area) attached to planning permission 13/01656/FUL - Erection of a 2-bed affordable dwelling and detached double garage ALLOW 6th June 2019

**11.0 ADDITIONAL INFORMATION**

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

<b>List of Background Papers:</b> Application documents available on Council website
<b>Cabinet Member (Portfolio Holder):</b> Cllr Ed Potter
<b>Local Members:</b> Cllr Roger Evans
<b>Appendices:</b> Appendix 1 – Conditions and Informatives

**APPENDIX 1 – CONDITIONS AND INFORMATIVES**

**STANDARD CONDITIONS**

1. The development shall be carried out in strict accordance with the approved plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

**INFORMATIVES**

1. This permission should be read in conjunction with the legal agreement under Section 106 of the Town and Country Planning Act 1990 which refers specifically to this development.
  
2. In arriving at this decision the 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.

**SCHEDULE OF APPEALS AS AT COMMITTEE 30 November 2021**

<b>LPA reference</b>	20/03554/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	G H Davies Farms Ltd.
<b>Proposal</b>	Proposed change of use of land from motocross/agricultural to tourism use for the siting of 16 holiday lodges, construction of an associated access track, parking area and associated works (amended description)
<b>Location</b>	Proposed Holiday Accommodation Development SE Of Boreton Farm Boreton Cross Houses Shropshire
<b>Date of appeal</b>	27.09.2021
<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>	21/00490/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Dr Steven Halls
<b>Proposal</b>	Erection of two storey rear extension; installation of roof mounted solar panels; lowering of parapet wall and erection of a glass balustrade; replacement windows and re-rendering property
<b>Location</b>	Compasses Cottage Upper Linney Ludlow Shropshire SY8 1EF
<b>Date of appeal</b>	19/10/2021
<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>	20/02971/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Shropshire Homes Ltd
<b>Proposal</b>	Erection of 6No. dwellings, associated parking and formation of vehicular access (Amended)
<b>Location</b>	Proposed Residential Development Land To The West Of Castle View Terrace Ludlow Shropshire
<b>Date of appeal</b>	19/10/2021
<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>	21/02338/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mrs Diane Simpson
<b>Proposal</b>	Installation of replacement windows and door on front elevation
<b>Location</b>	9 Bernards Hill Bridgnorth WV15 5AX
<b>Date of appeal</b>	28.10.2021
<b>Appeal method</b>	Fast Track Householder
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	



<b>LPA reference</b>	21/01321/CPE
<b>Appeal against</b>	Refusal/Not Lawful
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Dennis Hodgetts
<b>Proposal</b>	Application for Lawful Development Certificate for the existing use as a conservatory granted permission in 1997. This is to be replaced with an oak framed garden building which due to its size is in accordance with The GDPO (2015 - As amended Class A - enlargement, improvement or other alterations of a dwelling)
<b>Location</b>	Cherry Orchard Farmhouse Tuckhill Six Ashes Bridgnorth Shropshire WV15 6EW
<b>Date of appeal</b>	29.10.2021
<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>	20/01455/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr N Green
<b>Proposal</b>	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of an attached barn to provide a single dwellinghouse with parking and turning provision (as amended)
<b>Location</b>	Proposed Barn Conversion West Of Ludlow Road Little Stretton Shropshire
<b>Date of appeal</b>	05.03.2021
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	29.10.2021
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	20/01456/LBC
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr N Green
<b>Proposal</b>	Erection of attached barn to provide a single dwellinghouse affecting a Grade II listed building (as amended)
<b>Location</b>	Proposed Barn Conversion West Of Ludlow Road Little Stretton Shropshire
<b>Date of appeal</b>	05.03.2021
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	29.10.2021
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	21/00983/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs Rowbotham
<b>Proposal</b>	Erection of dwelling, and associated landscaping
<b>Location</b>	Land Rear Of Aston Top Bache Mill Shropshire
<b>Date of appeal</b>	18.11.2021
<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>	

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## Appeal Decisions

Site Visit made on 6 September 2021

**by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 October 2021**

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### **Appeal A Ref: APP/L3245/W/20/3265255**

#### **St Michaels Barn, Ludlow Road, Little Stretton SY6 6RE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Nick Green against the decision of Shropshire Council.
  - The application Ref 20/01455/FUL , dated 3 April 2020, was refused by notice dated 22 June 2020.
  - The development proposed is Reconstruction of barn to provide a single dwellinghouse.
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### **Appeal B Ref: APP/L3245/Y/20/3265256**

#### **St Michaels Barn, Ludlow Road, Little Stretton SY6 6RE**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Nick Green against the decision of Shropshire Council.
  - The application Ref 20/01456/LBC, dated 3 April 2020, was refused by notice dated 22 June 2020.
  - The works proposed are for the erection of attached barn to provide a single dwellinghouse affecting a Grade II listed building (as amended).
- 

## **Decisions**

### **Appeal A:**

1. The appeal is allowed and planning permission is granted for the reconstruction of barn to provide a single dwellinghouse at St Michaels Barn, Ludlow Road, Little Stretton , SY6 6RE in accordance with the terms of the application, Ref 20/01455/FUL, dated 3 April 2020, subject to the conditions attached in the Schedule to this decision.

### **Appeal B:**

2. The appeal is allowed and listed building consent is granted for the erection of attached barn to provide a single dwellinghouse affecting a Grade II listed building (as amended) at St Michaels Barn, Ludlow Road, Little Stretton , Shropshire, SY6 6RE in accordance with the terms of the application Ref 20/01456/LBC dated 20/01456/LBC and the plans submitted with it, subject to the conditions attached in the Schedule to this decision.

## **Procedural matters**

3. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The parties have had the opportunity to provide comments on the revisions therein and I have therefore had regard to the new Framework without prejudice to the parties.

## **Background**

4. Planning permission and listed building consent were granted in 2018 to convert the former cowshed that comprised part of the Listed Building to an open market residential barn conversion with vehicular access. However, both permission and consent were conditional upon the discharge of certain conditions, including pre-commencement conditions. These conditions were necessary in order to secure the cowshed's proper conversion with the aim of retaining the intrinsic character of the listed building.
5. The timber framing to the cowshed however has been dismantled and stone walls demolished. When an element of a listed building has been unlawfully demolished, the expectation is that it could be put back or rebuilt without needing listed building consent. The parties accept that the non-compliance with pre-commencement conditions and effectively the demolition of the cowshed is considered to be unlawful. Powers are available to a local planning authority to serve listed building enforcement notices requiring the remediation of unauthorised works to bring a building either back to its former state or, where that is not practical or desirable, to alleviate the effect of the unauthorised works. Further, there are powers to bring forward a prosecution through the Courts in respect of unlawful works to a listed building.
6. Since the applications were determined by the Council, Listed Building Consent has been granted for works to facilitate the erection of a domestic garage, store and workshop incorporating salvaged materials<sup>1</sup>. The application process included an assessment of those works in terms of the effects of the removal of the former cowshed element. This effectively means that listed building consent has now been granted for the works of demolition of the cowshed element on the basis of its replacement by the approved garage, store and workshop.
7. It is on this basis that I have considered the appeals.

## **Main Issues**

8. The main issues in this appeal are:
  - Firstly, in terms of heritage matters, whether the proposed development preserves the listed building comprising St Michaels Barn or any features of special architectural interest that it possesses, whether it preserves the settings of nearby listed buildings and whether it preserves or enhances the character or appearance of the Little Stretton Conservation Area.
  - Secondly, whether the site is a suitable location for development having regard to local planning policy.
  - Thirdly, the effects of the proposed development on the Shropshire Hills Area of Outstanding Natural Beauty.

## **Reasons**

### *Preliminary matters relating to heritage*

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<sup>1</sup> Council reference 20/05337/LBC - decision dated 13<sup>th</sup> March 2021

9. Situated within the Little Stretton Conservation Area (LSCA), the appeal site comprises part of the curtilage to the Grade II listed St Michaels Barn, which has seen part of its structure demolished leaving behind on the ground the dismantled timber framing together with heaps of stone following demolition. The site lies within the LSCA and village envelope. The conservation area is based on the village of Little Stretton, a village that hugs the western side of the valley floor and which retains much of the feel of a rural village nestled under the rolling hillsides of the Long Mynd. The area has the character of a quiet rural village within an attractive green setting with its buildings set close to the village road and framed by boundary walling. The centre of the village, which is more nucleated in form, has a series of small crossroads, which according to the Council, helps create distinct townscape groupings with farmsteads to the south of the crossroads contributing to the agrarian villagescape. The quality of views through historic buildings and the visual connection with the countryside are identified points of significance.
10. Prior to works of demolition, the appeal site comprised a former cowshed range lying parallel with the highway that projected in a southerly direction from the principal 'L' shaped agricultural building that has been converted to form two separate dwellings. Only a small section of the covered archway at first floor remains of the now demolished cowshed. Notwithstanding, the converted building comprising two dwellings forms a prominent structure opposite the listed manor house and Parish Church. The dwellings have been converted to a tasteful standard and their position retain the appearance and solidity of their former agricultural character, which in turn reinforces the agricultural character of this rural village and thereby reflects the significance of LSCA described above.
11. The appeal proposal would see the erection of a new dwelling incorporating some of the materials salvaged from the demolished structure. Although I note the intention of the appellant to faithfully reinstate most of the remnants that exist on site, including extensive parts of the timber framing and walling materials, as the Council explains, the extent of works that would be necessary would be predominantly a new structure rather than the reconstruction of the previous cowshed. A structural report and timber survey report from conservation architects explain what would be necessary to reinstate a substantial part of the timber framing elements. However, from what I observed during my site visit, much of the timberwork has been left without covering and will require significant new timberwork.

*Special architectural interest and significance of St Michaels Barn*

12. The details that are before me show the construction of an attached one and a half storey wing onto the principal building through the rebuilding of the covered cartway and extending along the footprint of the previous structure. External materials include stone with cedar cladding beneath a clay plain tiled roof and zinc covering to the rear lean-to. Whilst the Council find difficulties with reinstatement of a replica building on the basis of the unlawful demolition of part of the listed building, this is a matter that, in the context of these appeals, needs to be set aside and an assessment undertaken of the acceptability of the proposed scheme as an extension to a listed building within a conservation area.

13. The key element of issue in my view is whether the proposed extension would result in the loss of legibility of the historic building that survives. Clearly, the proposals utilise materials remaining following the taking down of the original wing. It replicates the previous building and indeed reinstates the plan form. The present situation leaves an incongruous gap when viewed from the street. Its historic plan form has been seriously degraded. The replacement building would represent a very significant improvement to what is presently displayed.
14. Whilst the proposed extension would inevitably appear as a modern addition as it would be impossible to create elements such as a sagging roofline, the proposed design, the use of appropriate local materials, including a considerable amount of salvaged material from the old building would preserve the special architectural and historic interest of the listed building, and to which the Courts have directed is a matter of considerable importance and weight. For the same reasons I conclude the proposals would accord with paragraph 199 of the National Planning Policy Framework (the Framework) which anticipates great weight being given to the conservation of designated heritage assets. Moreover, the reinstatement of the shape, form and size of the previous wing, in the context of paragraph 206 of the Framework, be held to 'better reveal the significance of the asset' and therefore merit support.

*Effect on the conservation area and settings of other listed buildings*

15. For the reasons set out above, I also conclude that the proposals would preserve the character and appearance of the Little Stretton Conservation Area, so according with the expectations of section 72 of the Act and with paragraph 199 of the Framework.
16. In addition, I am satisfied for the above same reasons that the proposed development would have a positive impact upon and not harm the settings of the Manor House or Parish Church that lie opposite the appeal site. Thus, the proposal would uphold the requirements of section 66(1) of the Act requiring that special regard must be had to the desirability of preserving the setting of listed buildings; that statutory duty also requiring that considerable importance and weight must be given to any harm to such designated heritage assets or their settings.
17. Insofar as local development plan policy applies to the development proposed in this context, I also consider the proposals accord with Policy CS6 of the Shropshire Core Strategy and Policy MD13 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) which together, seek to ensure that heritage assets are protected, conserved, sympathetically enhanced and restored through, amongst other things, ensuring that proposals avoid harm or loss of significance to designated heritage assets and their settings.

*Suitable location*

18. The appeal site lies within a village setting; however, Little Stretton is not a settlement identified for future housing growth. CS Policies CS4 and CS5 and SAMDev Policies MD7a and S5 identifies a series of Community Hubs and Clusters within which open market housing may be permitted subject to certain criteria. Church Stretton is the nearest settlement that contains a settlement boundary and where housing development may be permitted. Notwithstanding that I find that Little Stretton has all the attributes of a village, outside such

Community Hubs and Clusters, new housing developments would be assessed as though they were located in the open countryside. As Shropshire can demonstrate a 5-year housing land supply, policies of this development plan must be accorded full weight. No evidence has been submitted to demonstrate that the exceptional circumstances identified in policies CS5 and CS11 of the Council's Core Strategy would apply in this instance.

19. Had there still been a building at the site, the Council accepts that the proposed development would have accorded with policy CS5 of the Core Strategy and MD13 of the SAMDev, in principle. Although on the face of it, the Council's approach may be considered pedantic, the policies align with the Framework and paragraphs 77 to 79 which states that new residential units in the "countryside" should be avoided unless there is an essential need for a rural worker, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside. The Council goes on to explain that the loss of the heritage asset in this case results in the proposal being for a new build and one which is materially different to previous consents on the site for conversion of a historic building.
20. The proposed development for an open market dwelling would be contrary to development plan policies as explained above. I have no reason but to accept that the development plan policies must prevail despite the unusual set of circumstances in this case where, had the building not have been removed, a different conclusion might have ensued.

#### *AONB*

21. The appeal site is located within the Shropshire Hills AONB. Decision makers have a statutory duty<sup>2</sup> to conserve and enhance the natural beauty of AONBs, which are afforded great weight by the Framework.
22. The appeal site lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The Shropshire Core Strategy gives a high profile to the AONB in terms of quality of landscape, geodiversity and biodiversity and as a key part of Shropshire's Environmental Network. It recognises the need for development to be of higher quality in the AONB, stating that: "Proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable. Whilst these considerations will apply generally, there will be areas where development will need to pay particular regard to landscape character, biodiversity or other environmental considerations including in the Shropshire Hills Area of Outstanding Natural Beauty."
23. Little Stretton sits at the bottom of the southern end of the Long Mynd in the valley opposite Ragleth Hill and still retains its historic agrarian charm and layout as a rural village. The appeal site is situated below the scenic wooded hills that form the backdrop to Little Stretton within the AONB. These hills are prominent both in short and longer views from the surrounding area and are exceptionally attractive features within the landscape. The proposed dwelling would be positioned alongside the existing cluster of former agricultural buildings and would take the form of a new property set within a relatively extensive plot. In this regard, it would have an acceptable relationship with the

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<sup>2</sup> Section 85(1) of the Countryside and Rights of Way Act 2000 (as amended)



existing pattern of development and reinstate at least the form of the previous building that occupied the site prior to the (partial) demolition. A development of the type proposed here would be respectful to the rural village setting and would not be harmful to this part of the AONB in my view.

24. For the above reasons, I conclude that the development would not harm the scenic qualities of the Shropshire Hills AONB. It would therefore comply with the relevant sections of Policies CS6 and CS17 of the Shropshire Core Strategy (2011), which seek to protect the landscape and natural environment of the AONB. It would also comply with the Framework in this regard.

*Living conditions – existing and future occupiers*

25. The Council explains that amendments to the conversion of the principal building (Barn 2) would see the introduction of three additional ground floor openings consisting of fully glazed doors a utility room (effectively a back door), a dining room and the kitchen to that unit. These glazed doors would open out to the courtyard between the principal building (the converted Barn 2) and the proposed development.
26. Given the juxtaposition between the units, I do not find it unusual in the context of barn conversions for there to be some overlooking between windows. It seems to me that the Council was in a position to avoid potential conflicts of this nature and chose not to negotiate a standard that it would be happy with. That said I do not find that unacceptable harm would result from the window relationship proposed. Rather, I find that such a relationship would be typical of converted rural buildings, including in situations where new developments would have to be built in close proximity to historic buildings. The Council accepts that rear gardens would provide for a good level of privacy.
27. Given what I saw during my site visit, the proposed development would not give rise to unacceptable harm to the living conditions of either existing or future occupiers. Accordingly, the proposal would comply with Policy CS6 of the Core Strategy and Policy MD2 of SAMDev which both set out to ensure that new development safeguards both residential and local amenity conditions.

## **Overall Planning Balance**

*Heritage balance*

28. The proposal would bring about public benefits albeit of modest scale in terms of the provision of a new dwellinghouse, particularly in a village that is constrained by virtue of the Council's planning policies. There would also be short term benefits during the construction of the dwelling and longer term benefits in terms of additional expenditure in the local area, both of which also carry modest weight.
29. The National Planning Policy Framework ("the Framework") advises that, where there is evidence of deliberate neglect of or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. It follows that although substantial harm has arisen to the listed St Michael's Barn Listed Building through the loss of a section of the former agricultural complex, the threat of the building continuing to decline has no bearing on my decision. But, to my mind, there would be significant benefit arising from a well-designed extension to this Listed Building. Moreover, the



reinstatement of the original form of St Michaels Barn would lead to the enhancement of the character and appearance of the LSCA, which would be of significant benefit.

30. That the site is within a village setting with its local services indicates an absence of harm is a neutral factor in my determination, carrying no positive weight. The issue of Braintree<sup>3</sup> is not of relevance given the site's location within the built-up part of Little Stretton.
31. Although I have assigned various weight to those benefits listed above, their collective weight would be significant. The harm caused to the significance of the Listed Building in terms of its historic form would, to some degree, be offset by an extension that follows the form and scale of the collection of buildings comprising the Listed Building. The obvious gap within an important and sensitive part of the LSCA has also caused significant harm; the proposed extension would lead to the enhancement of the character and appearance of this heritage asset. I am also mindful of the lack of any harm to the setting of nearby listed buildings that would arise from the appeal scheme. Nevertheless, I must attach considerable importance and weight to the harm that has been caused to heritage assets.

#### *Planning balance*

32. For the reasons given above, the proposed development in both Appeal A and Appeal B would preserve the character of the Listed Building and positively enhance this heritage asset and, in terms of the issues arising in Appeal A, would also preserve the settings of nearby listed buildings. Moreover, in terms of Appeal A, the appeal scheme would enhance the character and appearance of the LSCA. It therefore follows that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the significant benefits of the proposal outweigh the identified conflicts with the development plan.

#### **Conditions**

33. The Council has summarised but not fully articulated the conditions that it considers desirable. I have considered the gist of these in the light of the advice contained within the Government's Planning Practice Guidance (PPG) and used my own wording so that they are compliant with the PPG. Whilst development and works appear to have commenced on site, it is unclear whether these relate to the appeal submissions; I have therefore attached conditions relating to commencement of development and works. I have attached a condition specifying the approved drawings to provide certainty. In terms of Appeal A, I have included a condition requiring details of external materials to protect the character of the area. I have attached conditions requiring the submission and approval by the Council of bat and bird boxes and proposed external lighting so that the habitats of wildlife species are enhanced/protected. A condition is attached requiring that the window to the proposed first floor south facing bedroom is finished with obscure glazing so

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<sup>3</sup> Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin)

that the living conditions of existing and future occupiers are protected. Given the sensitivity of the site in question, a condition is included removing permitted development rights at the property. I do not consider that conditions relating to piling or limiting construction hours are necessary given that the concrete base is already in situ whilst construction of an extension to form a single dwelling would be unlikely to give rise to noise related problems.

34. In terms of Appeal B, I have included a condition requiring the Council's approval in writing of details of external finishes considered pertinent to the historic and architectural interest of the listed building. This includes in addition, a condition requiring approval of schedule of repairs for the timber framing.

### **Conclusion**

35. The scheme the subject of these appeals would not adversely affect the architectural or historic significance of the Listed Building but rather, it would enhance the Listed Building. Neither would the scheme lead to unacceptable harm to the settings of other listed buildings in the immediate area. It would enhance the character and appearance of the Little Stretton Conservation Area, in line with national, local and statutory requirements. These are weighty material circumstances that outweigh the settlement policies of the development plan. There are no other grounds for objection. For the above reasons, both appeals are allowed.

*Gareth W Thomas*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

### **Appeal A:**

- 1) The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No.2304/1; Existing Block Plan Drawing No.2304/2; Proposed Block Plan Drawing No.2304/1a; Proposed Floor Plans Drawing No.2304/4b; Existing Elevations Drawing No.2304/3; Existing Sections Drawing No.2304/11; Proposed Elevations Drawing 2304/5c; Details Floor Plans 1 Drawing No.2304/7; Details Floor Plan 2 Drawing No.2304/9, and; Detailed Section Drawing No.2304/8.
- 3) Before any above slab works take place details of the materials and finishes to be used for external walls and roofs shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
- 4) Prior to any works relating to the roof structure commencing details for the provision of nesting boxes and crevice bat roosting facilities and/or bat lofts together with all external lighting shall be submitted to and approved in writing by the local planning authority. The approved works shall be implemented prior to first residential occupation of the dwelling.
- 5) The first floor south facing bedroom window shall be finished in obscure glazing and maintained thereafter in perpetuity.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling hereby permitted, including any additions or alterations to the roof or any new building or enclosure within the curtilage, without the prior written approval of the local planning authority.

### **Appeal B:**

- 1) The works hereby granted listed building consent shall be begun before the expiration of three years from the date of this consent.
- 2) No works above slab level shall take place until details of all external construction Works, the methods, materials and components to be used in the Works have been submitted to and approved in writing by the local planning authority. Works shall include a timber-by-timber inspection of the structural frame, its components and joints. This inspection shall inform a fully detailed scheme of repairs which shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant works. The scheme shall include: a) a method statement, having regard to the structural integrity of the frame; b) plans, sections and elevations at a scale of not less than 1:50 showing full details of the frame components to be repaired or replaced, c) a complete specification for

replacement timbers, d) the proposed methods of repair; and e) the type of surface treatments or decorative finishes to be applied. The Works shall also include details for the provision, alteration, replacement or maintenance of masonry, brickwork, lime mortar for stonework bedding and jointing, stone quoins, cladding, roof materials, fenestration, external joinery, metal rainwater goods and decorative features. The works shall be undertaken in accordance with the approved details.

END