

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

Date: Friday 21st April 2023

Committee:
Northern Planning Committee

Date: Tuesday, 2 May 2023

Time: 2.00 pm

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

You are requested to attend the above meeting. The Agenda is attached
There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

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

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

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:
<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard
Assistant Director – Legal and Governance

Members of the Committee

Joyce Barrow
Garry Burchett
Geoff Elnor
Ted Clarke
Nat Green
Vince Hunt
Mark Jones (Vice Chairman)
Mike Isherwood
Edward Towers
David Vasmer
Paul Wynn (Chairman)

Substitute Members of the Committee

Gerald Dakin
Steve Davenport
Julian Dean
Nigel Hartin
Pamela Moseley
Alex Wagner

Your Committee Officer is:

Emily Marshall / Shelley Davies Committee Officer

Tel: 01743 257717 / 01743 257718

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the North Planning Committee held on 4th April 2023, attached, marked 2.

Contact: Shelley Davies on 01743 257718.

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5pm on Tuesday, 25th April 2023.

4 Disclosable Pecuniary Interests

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

5 Proposed Commercial Development Land To The South Of Hazledine Way, Shrewsbury, Shropshire - 22/03877/FUL (Pages 7 - 36)

Mixed use development including retail, gym, drive-thru coffee shop and drive-thru restaurant (use class E), tanning and beauty salon (sui generis), and residential care home (use class C2) together with access, parking, landscaping and associated infrastructure.

6 Land West London Road, Woore, Shropshire - 22/03559/FUL (Pages 37 - 68)

Mixed residential development of ten dwelling (to include one self build), creation of four vehicular accesses (onto London Road), all ancillary works.

7 Lady Hill Farm, West Felton, Oswestry, Shropshire, SY11 4JZ - 22/05620/FUL (Pages 69 - 86)

Conversion of a range of traditional outbuildings into 2No. residential units to include associated hardstanding, curtilage, access connection to required services to include a foul system, soakaway and oil tank.

8 Painsbrook Farm, Painsbrook Lane, Hadnall, Shrewsbury, Shropshire - 22/03828/EIA (Pages 87 - 122)

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

9 Appeals and Appeal Decisions (Pages 123 - 184)

10 Exclusion of Public and Press

To consider a resolution under Section 100 (A) of the Local Government Act 1972 that the proceedings in relation to the following items shall not be conducted in public on the grounds that they involve the likely disclosure of exempt information as defined by the provisions of Schedule 12A of the Act.

11 Planning Enforcement Quarterly Report (Pages 185 - 194)

12 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 23rd May 2023 in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

Northern Planning Committee

2nd May 2023

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 4 April 2023

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

2.00 - 4.21 pm

Responsible Officer: Emily Marshall / Shelley Davies

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk

Tel: 01743 257717 / 01743 257718

Present

Councillor Paul Wynn (Chairman)

Councillors Joyce Barrow, Garry Burchett, Geoff Elner, Ted Clarke, Nat Green, Vince Hunt, Mark Jones (Vice Chairman), Mike Isherwood, Edward Towers and David Vasmer

110 Apologies for Absence

None received.

111 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 7th March 2023 be approved as a correct record and signed by the Chairman.

112 Public Question Time

There were no public questions or petitions received.

113 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.

In respect of agenda item 8, application number 21/02559/VAR Councillor Paul Wynn declared a pecuniary interest as he was the land owner and stated that he would withdraw from the meeting and take no part in the debate and would not vote on the item.

In respect of agenda item 9, application number 23/00122/FUL Councillors Paul Wynn and Mark Jones declared an interest on the grounds of perceived bias due to their friendship with the applicant and stated that they would withdraw from the meeting and take no part in the debate and would not vote on the item.

It was agreed that Councillor Vince Hunt would take the Chair for agenda item 9, application number 23/00122/FUL.

114 Land Adjacent to Churncote Island, Welshpool Road/A5 Welshpool Road, Bicton Heath, Shrewsbury, Shropshire (22/02464/FUL)

The Consultant Planner introduced the application for the development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E) and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

On behalf of Emma Bullard, local resident, the Council's Solicitor read out a statement against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Sally Maddox, on behalf of Bicton Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

During the ensuing debate, Members raised a number of concerns in relation to the proposal and it was agreed that the application be deferred to allow the applicant the opportunity to address the issues raised.

RESOLVED:

That consideration of the application be deferred to allow the opportunity for the following issues raised by the Committee to be addressed:

- The contribution to the NWRR to be index linked;
- The design to be improved to reflect that of a gateway site as stated in SAMDev policy S16.1b;
- Consideration to the road layout to be amended to include an exit only onto Welshpool Road;
- Improved footpath provision; and
- Adequate provision for staff parking.

115 Hawthorn Paddock, Welshampton, Ellesmere, Shropshire, SY12 0NP (22/05515/FUL)

The Senior Planning Officer introduced the application for the change from Temporary to Permanent Gypsy / Traveller Site to include 1 no. Static Caravan, 1 no. Touring Caravan, 1 no. Amenity Block, Storage Shelter and Gravel Drive part retrospective and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the information contained within the Schedule of Additional letters.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Brian Williams, as local ward councillor, made a statement against the proposal.

Councillor Mike Dinsdale, on behalf of Welshampton and Lyneal Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

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

RESOLVED:

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

116 Painsbrook Farm, Painsbrook Lane, Hadnall, Shrewsbury, Shropshire (22/03828/EIA)

The Planning Manager North introduced the application for the construction of two free range poultry houses with feed bins and ancillary equipment.

Councillor Sarah Parker, on behalf of Hadnall Parish Council spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

On behalf of Councillor Simon Jones, local ward councillor, the Council's Solicitor read out at statement in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Andrew Brisbane, the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Members noted their support for the proposal but agreed that consideration of the application be deferred to allow the applicant the opportunity to provide sufficient information in relation to manure management and disposal.

RESOLVED:

That consideration of the application be deferred to allow the applicant the opportunity to provide sufficient information in relation to manure management and disposal.

117 Solar Farm South West of Hadley Farm, Wrexham Road, Whitchurch, Shropshire (21/02559/VAR)

In accordance with his declaration at Minute 113, Councillor Paul Wynn withdrew from the room during consideration of this application.

The Vice-Chairman, Councillor Mark Jones presided as Chairman for this item.

The Principal Planning Officer introduced the application for the variation of condition 10 (cessation and removal) attached to permission ref.18/00693/VAR to enable an extension to the operational life of the solar farm (amended description).

Having considered the submitted plans Members unanimously expressed their support for the proposals, in accordance with the officer's recommendation.

RESOLVED:

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

118 The Coppers, Park Street, Oswestry, Shropshire, SY11 2HF (23/00122/FUL)

In accordance with their declaration at minute 113, Councillors Paul Wynn and Mark Jones left the room and took no part in the debate or voting on the item.

Councillor Vince Hunt presided as Chairman for this item.

The Planning Manager North introduced the application for the erection of a single detached garage and advised members that if they were minded to approve the application an additional condition should be included to ensure that the boundary hedge was retained.

Having considered the submitted plans Members unanimously expressed their support for the proposals, in accordance with the officer's recommendation.

RESOLVED:

That in accordance with the officer recommendation, planning permission be granted subject to the conditions set out in Appendix 1 of the officer report and an additional condition as stated by Planning Officer in relation to the retention of the boundary hedge.

Councillor Paul Wynn and Councillor Mark Jones re-joined the meeting and Councillor Paul Wynn returned to the Chair.

119 Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals for the northern area be noted.

120 Date of the Next Meeting

It was noted that the next meeting of the Northern Planning Committee would be held at 2.00 p.m. on Tuesday, 2nd May 2023 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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<p><u>Committee and date</u></p> <p>Northern Planning Committee</p> <p>2nd May 2023</p>

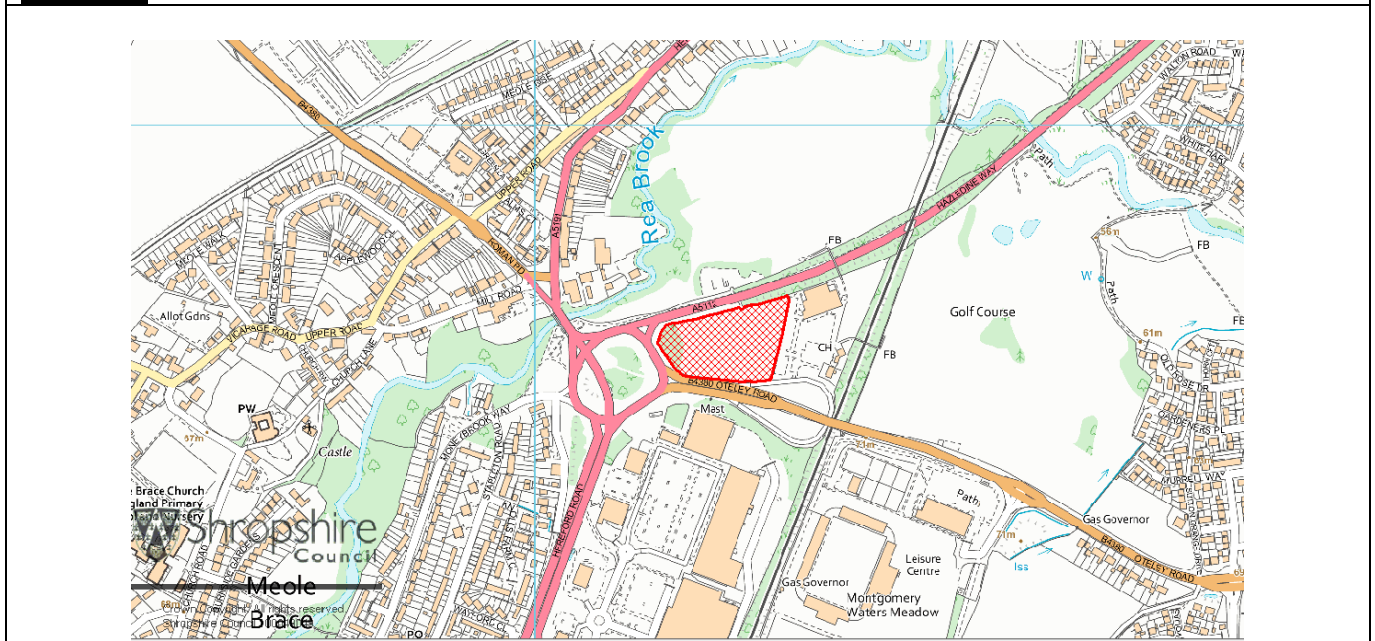
Development Management Report

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

Summary of Application

Application Number: 22/03877/FUL	Parish:	Shrewsbury Town Council
Proposal: Mixed use development including retail, gym, drive-thru coffee shop and drive-thru restaurant (use class E), tanning and beauty salon (sui generis), and residential care home (use class C2) together with access, parking, landscaping and associated infrastructure.		
Site Address: Proposed Commercial Development Land To The South Of Hazledine Way Shrewsbury Shropshire		
Applicant: Cordwell Leisure Developments (Shrewsbury) Ltd and Avery Healthcare		
Case Officer: Kelvin Hall	email: kelvin.hall@shropshire.gov.uk	

Grid Ref: 349286 - 310660



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REPORT

Recommendation: Delegate authority to the Planning and Development Services Manager to grant planning permission subject to the conditions listed in Appendix 1 and to any modifications to those conditions as considered necessary.

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for a mixed use development on land between Hazledine Way and Oteley Road in Shrewsbury. The proposal would include retail, gym, drive-thru coffee shop and drive-through restaurant (use class E), tanning and beauty salon (sui generis), and residential care home (use class C2) together with access, parking, landscaping and associated infrastructure.
- 1.2 The layout would be divided into two distinct elements. The western side would accommodate the mixed retail, leisure and drive through units; the care home would be on the eastern side.
- 1.3 Mixed retail, leisure and drive through units: At the northern side of this part of the site there would be a two-storey building comprising five retail units on the ground floor and a gymnasium on the first floor. The retail units would range in size from 111m² to 408m², and the gym would be 1013m². External materials would include glazing and grey brick on the ground floor, and black cladding and tinted glass for the gym above. At the southern side there would be two single-storey detached units: one would be a coffee shop (167m²) and the other would be a restaurant (240m²). Proposed materials would include timber cladding, dark metal cladding, and brickwork. Both of these units would have drive-through facilities. A substation would be situated on the western side of the site and have a height of up to 3.15 metres. A shared car parking area would be provided in the centre of this part of the site, and further parking spaces adjacent to the drive-through units, with a total of 100 spaces. Vehicular access to this part of the site would be provided via a new entrance off Oteley Road to the south, with the egress being onto Hazledine Way to the north via a new exit road.
- 1.4 Residential care home: This would provide 80 bedrooms across two and three floors with communal facilities including lounge and dining areas, a cinema room, library, and therapy rooms. The total internal floorspace would be 4684m². The application documents state that it is anticipated that the proposal would provide care for older people, respite care; dementia care; and convalescence care. Staffing would be provided 24 hours a day, and it is anticipated that there would be approximately 55 full time employees. The building would be 'S' shaped, with a design that includes stepped facades, flat roofs and balconies. The external materials would include a mix of brickwork, render and cladding. The bedrooms would be a minimum of 15m² with en-suite facilities.
- 1.5 Open space would include informal lawn, a communal garden with seating areas, an events lawn and a therapy garden. There would be 38 car parking spaces and

facilities for cycle parking. Vehicular access would be provided via a new entrance point from the existing service road off Oteley Road which leads to the Bannatynes car park. The exit would be back onto Oteley Road via the existing service road. This loops underneath Oteley Road and brings traffic back onto the westbound carriageway close to the Meole Brace roundabout.

1.5 Modifications

Since the application was originally submitted, the following further information and modifications have been provided:

- Ground Investigation reports to establish the prevailing ground conditions
- Statement in response to concerns raised by the Town Council
- Further information in response to matters raised in relation to ecology, trees, highways, open space and design considerations
- Revised layout plan to address highways concerns regarding egress from the site
- Plans to clarify tree retention proposals
- Additional landscaping information
- Sustainability checklists
- Waste audit statements
- Coal Mining Risk Assessment report
- Modification to site boundary to incorporate a track for use by Town Council maintenance vehicles
- Stage 1 Road Safety Audit
- Additional information relating to drainage strategy

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The application site is located on a parcel of land between Hazledine Way and Oteley Road in the Meole Brace area of Shrewsbury. Those two roads form the northern, western and southern boundaries of the site. To the east is the Bannatynes Health Club and Spa. Further afield to the north and east is the Meole Brace Golf Course; to the south is the Meole Brace Retail Park; and to the west is a roundabout beyond which the land is in residential use. The site comprises an area of grassland with mature trees and hedgerow around its boundaries, extending to an area of approximately 1.6 hectares. The site was previously used as a “pitch and putt” course associated with the adjacent Golf Club. That use ceased in 2019.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The proposal is on land which is owned by Shropshire Council and relates to development which is not in line with the Council’s statutory functions. Under the Council’s scheme of delegation such applications are required to be determined by Planning Committee.

4.0 **Community Representations**

4.1 -Consultee Comments

4.1.1 **Shrewsbury Town Council** Objects. The Town Council objected to this application on the grounds of overdevelopment, concerns about highways and the lack of green

space proposed for the care home. The Travel Plan provided is incorrect and needed further investigation, e.g., it states that buses to the site will be available at night and gives inaccurate travel times to the station and town centre. Active travel to the site also needed to be considered further as the plans are currently very car centric. Members felt that the development was 'crammed on' to a small site. There did not appear to be enough provision for pedestrians to cross nearby roads and Members respectfully requested that SC Highways investigate this further. It was felt that the proposed exit road on to Hazeldine Way was dangerous as the road had a speed limit of 50mph.

The application was also objected to on operational grounds for Shrewsbury Town Council. The Municipal Golf Course is divided by Hazeldine Way. Small ride-on Golf Course specialist maintenance vehicles and equipment access the disused Pitch and Putt Course down a narrow track and cross Hazeldine Way via the field gate positioned in the boundary hedge. No provision for this access appeared on the plans to allow vehicles safe access onto the course from the Golf Course Depot Facilities positioned next to Ballantynes. The current plans isolate the access to the course from the Maintenance Depot which contained all the specialist course vehicles and machinery. The current proposals would direct all maintenance machinery around the busy Meole Island, the equipment is slow and not designed for daily road use.

The land has a well-established natural mixed buffering screen, forming a natural hedge, this should be protected and retained. The boundary contains a mixture of well - established trees which should be protected with TPOs, and Members respectfully requested that the Tree Officer from Shropshire Council investigate this. The removal of any of the hedge for access roads should be limited to the minimum width required and large swathes of hedgerow removal should be avoided.

It was reported that the site also had issues with travellers gaining unlawful access and it was suggested that deterrents are put in place to prevent unauthorised encampment.

It was suggested, with many of the building designed with flat roofs, this provided a great opportunity to green these with permanent planting to reduce the carbon footprint of the development.

The grounds of the Care Home also had the opportunity to create some wetland areas to encourage biodiversity in and around the conservation areas proposed, developing a sustainable drainage system.

4.1.2 **SC Conservation** No response received.

4.1.3 **SC Archaeology** No comments to make on this application with respect to archaeological matters.

4.1.4 **SC Regulatory Services** No objection.

The following reports have been submitted in support of this planning application:

- GIP Ltd; Phase I Geotechnical and GeoEnvironmental Assessment for a Proposed Commercial Development at Meole Brace Golf Course, Oteley Road, Shrewsbury; 13th October 2016, AP/25197 FINAL;
- GIP Ltd; Ground Investigation Report for a Proposed Residential & Commercial Development at Meole Brace Pitch & Putt, Oteley Road, Shrewsbury; for Cordwell Property Group; 17th April 2020, Ref. 27805 FINAL.

The results of the investigation in respect of soil contamination have not identified any significant risks to human health and therefore no further assessment is required.

A potential risk from ground gas has been identified and Environmental Protection has requested that a separate Mine Gas Risk Assessment is necessary in order to ensure that all potential risks are assessed.

Having considered the application it is noted that the site is within a Coal Mining Reporting Area (as defined by the Coal Authority).

The presence of a development over coal workings or areas of non-coal mining, does not necessarily mean that there are risks due to gas emissions. There are specific circumstances when mine gas can pose a significant risk (acute or chronic) to development. It is therefore important that these risks are assessed by undertaking a Mine Gas Risk Assessment.

For all new development located within the defined coal mining areas (i.e., Development Low Risk Areas and Development High Risk Areas), the Local Planning Authority will require a Mine Gas Risk Assessment (MGRA) to be undertaken by competent, qualified and experienced mine gas risk assessors, in accordance with current guidance and industry best practice e.g., Environment Agency (EA) 'Land Contamination Risk Management (LCRM)' guidance and CL:AIRE, 2021 'Good Practice for Risk Assessment for Coal Mine Gas Emissions' (ISBN 978-1-905046-39-3). Competence must be demonstrated in accordance with current guidance and industry best practice. A 'Decision Support Tool' is included in the CL:AIRE guidance to assist in the process.

Accordingly, as the proposed development site is located in both a Development Low and High Risk Area, Environmental Protection recommends that a condition is added to the decision notice if permission is granted to require that a mine gas risk assessment is submitted and approved.

Further comments: The further report that has been submitted does not constitute a Mine Gas Risk Assessment having regard to the October 2021 CL:AIRE guidance. A detailed risk assessment is required.

4.1.5 **SC Ecology** Recommends conditions.

The survey work carried out is acceptable. The preliminary ecological appraisal and

preliminary roost assessment carried out by Arbtech (January 2022) found no evidence of protected or notable species during the PEA and PRA. Suitable habitat for nesting birds was identified within the boundaries and scattered trees on site. Two ponds were identified within 500m. These are not considered to be impacted by the proposed development. No further surveys were recommended.

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

SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of bat and bird boxes will enhance the site for wildlife by providing additional roosting and nesting habitats. Other ecological enhancements are also recommended.

It is recommended that conditions are included on the decision notice to cover the following matters:

- Submission of Construction Environmental Management Plan for approval
- Provision of bat and bird boxes
- Prior approval of external lighting
- Submission of landscaping plan for approval
- Work to take place in accordance with method statement

4.1.6 **SC Trees** Recommends conditions.

Further to this team's previous comments on this site it is noted that the updated landscaping proposals for the care home element of the scheme now include the requested woodland type planting of native shrub and tree species to compensate for loss of trees, provide a stronger boundary treatment and offer long-term biodiversity gains.

Should this application be approved it is recommended that conditions are imposed to require that the trees that are to be retained are protected during development works; that a tree specialist shall be appointed to undertake supervision and monitoring of the tree protection fencing and ground protection measures; and that all services are routed outside the root protection areas unless a detailed method statement and task specific tree protection plan has been approved.

4.1.7 **SC Highways** No objections.

The following highway comments reflect the updated layout plan and additional information.

From a highway aspect, whilst there remains some concerns regarding the egress onto Hazledine Way, it is considered that this can be dealt with as part of the Section 278 process, which will include the full submission of engineering details and Road Safety Audit process that will identify and resolve any highway safety and mitigation measures required prior to any development being commenced. Key therefore will be

to ensure that the Section 278 process is undertaken prior to any works commencing on site.

As indicated in earlier comments, the Care home proposals now allow for both entry and exit off the current slip road arrangement serving the Gold Course and Bannatynes Gym. This also provides potentially emergency access from the western development site.

A minor amendment to the scheme is required in terms of the proposed pedestrian routing into the site on the western side of the site and linking with the current cycleway to ensure that cyclists can be fully accommodated as well as pedestrians.

Whilst highways therefore have no objection to consent being granted, conditions should be imposed to cover the following matters:

- Submission of full engineering details of access and egress onto Hazledine Way and Oteley Road; no use of development until Hazledine egress has been completed
- Completion of surfacing, car parking areas and road layout prior to first use
- Submission of Construction Traffic Management Plan/Construction Method Statement and phasing plan for approval prior to commencement
- Upon first use of the care home, implementation of Travel Plan which shall remain in force for the lifetime of the development
- Submission of Travel Plan for the retail and leisure units and drive through units for approval

Background comments: The proposal seeks to develop the former Pitch & Putt facility that was complementary to Meole Brace Golf Course and developing into a Care Home on the eastern side of the site and food restaurant/Drive Thro on its western side. The 2 distinct development halves would be accessed from the slip road that current serves Bannatynes and Golf Course with exit left turn only onto Hazledine Way. It is not possible to realistically achieve a right turn option out onto Hazledine Way and this has been previously assessed. A Transport Assessment (TA) has been submitted in support of the application proposal and a Stage 1 Road Safety Audit (Stage 1 RSA) carried out to assess the highway safety implications of development proposals.

The site layout effectively results in a left in and left out of the site as there is no potential to provide a right turn onto either Hazledine Way or Oteley Road. In reality what this means is that any driver leaving the site wishing to travel along Hazledine Way in an easterly direction or Oteley Road in an easterly direction, would have to use Meole Brace Roundabout as the 'U' turn. All other movements can be accommodated. Whilst undesirable, this is not a substantive concern providing that entry and exit to and from the site are fit for purpose and do not raise adverse highway safety concerns.

The TA concludes that the development traffic can be adequately accommodated on the highway network. The highway authority have no material grounds to dispute this

point or the overall findings of the TA, however the main issue to address is both the entry and exit of the site and in this regard a Stage 1 RSA has been carried out. This concludes that there are no identified safety issues raised as regards the entry points. With regard however to the Care Home there is the potential option that both entry and exit onto the slip road is achievable and should be considered. [Note: revised plans have now been submitted to show an additional exit from the care home back onto Oteley Road].

Exit onto Hazeldine Way represents the greater challenge to ensure that safety is not compromised and to prevent any exiting traffic being able to turn right. The Stage 1 RSA indicates that Hazeldine Way is subject to a 40mph speed limit. This is incorrect as the speed limit is 50mph. For the left out manoeuvre adequate visibility is achievable, with the access designed to cater for all vehicle types. The speed limit would however need to be assessed as part of the detailed design and Section 278 Agreement. This would include the inclusion of the central island to restrict the left turn manoeuvre and prevent any right turn off Hazeldine Way into the site. Again this would be the subject of the 278 Agreement design check and Stage 2 RSA. Point A4.1.1 raises a concern regarding pedestrians/cyclists potentially crossing at the kerbed island and this has not been addressed as part of the current submission and would be best considered at this juncture rather than at the detailed design stage.

- 4.1.8 **SC Drainage** Outline drainage details have been supplied in the Meole Brace, Shrewsbury Flood Risk Assessment and Drainage Strategy report.

In order to develop the surface and foul water designs to satisfy the LLFA's requirements, reference should be made to Shropshire Council's SuDS Handbook which can be found on the website at <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The Appendix A1 - Surface Water Drainage Proforma for Major Developments must also be completed and submitted with the application.

- 4.1.9 **SC Planning Policy** No response received.

- 4.1.10 **SC Affordable Housing** No response received.

- 4.1.11 **Sport England** No objection. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:
https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Para. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

[Case Officer note: the relevant paragraph of the NPPF is 99, not 97 as quoted above.]

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

4.2. -Public Comments

4.2.1 The application has been advertised by site notice, and also in the local press. Three public representations have been received, objecting to the application on the following grounds:

- Inadequate measures to encourage active travel
- Impact on cycle and pedestrian path from creation of vehicle access onto Oteley Road; safety hazard
- No entrance to the site for cyclists from Hazledine Way
- Inadequate Travel Plan
- Transport Assessment does not assess impacts on the Meole Brace island on weekends, when the traffic is at its worst
- Insufficient consideration to impact on children travelling down Oteley Road to schools and other pedestrians; dangerous entry and exit points
- Dismal outlook of care home onto commercial development

- Facilities for younger generation like swimming pools, community halls etc. required
- Opening up additional fast food eateries is doing little to encourage a healthy society
- Concern over tree removal and impact on wildlife
- Concern over additional car journeys
- Policies encourage an increase in walking and cycling for short journeys

5.0 THE MAIN ISSUES

- 5.1
- Principle of development
 - Design, scale and character
 - Historic environment consideration
 - Residential and local amenity considerations
 - Highways and access considerations
 - Ecology issues
 - Water resources and pollution issues
 - Affordable housing
 - Planning balance

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan includes the Core Strategy and the SAMDev Plan. The National Planning Policy Framework (NPPF) and national planning practice guidance are material planning considerations. In terms of emerging planning policy the draft Shropshire Local Plan (2016 – 2038) was submitted to the Secretary of State for examination on 3rd September 2021. Stage 1 hearing sessions covering legal and strategic issues took place in July 2022. Stage 2 hearing sessions which are likely to focus on the development management policies and site allocations are to take place during 2023. Given the stage of plan preparation it is considered that some limited weight can be given to relevant draft policies in the draft Shropshire Local Plan, as a material consideration in the decision making process.

6.1.2 Locational considerations: Core Strategy policy CS1 states that Shrewsbury will be the focus for significant retail, office and employment development, and will accommodate 25% of Shropshire's residential development over the plan period. Policy CS2 and policy S16.1 set out the development strategy for Shrewsbury, with particular emphasis on development coming forward within allocated sites and sites within the Development Boundary. The application site lies within the Development boundary for Shrewsbury, and therefore the proposal accords with the general settlement strategy for the town as set out in the above policies.

6.1.3 In terms of draft policies the site lies with the proposed Shrewsbury Development Boundary as shown on plans forming part of the draft Local Plan. The draft Plan does not propose to allocate the application site for any specific purpose. Draft Settlement policy S16.1 provides for new residential development to take place on residential and

mixed-use allocations, and states that this will be complemented by residential and mixed-use development opportunities within the development boundary, particularly the town centre.

- 6.1.4 Former use of site: Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land should not be built on unless (a) an assessment has been undertaken which has clearly shown the land to be surplus to requirements; or (b) the loss is replaced by equivalent or better provision; or (c) the development is for alternative sports and recreational provision, the benefits of which outweigh the loss.
- 6.1.5 The proposed development would result in the loss of land previously used as a “pitch and putt” but the adjacent golf club, with 12-hole parkland course, will remain fully open and in operation. The “pitch and putt”, which is owned by Shropshire Council, closed in 2019 due to being surplus to requirements. The Council’s Commercial Performance and Project Manager has confirmed that alternative options were explored before the land was identified as surplus to requirements, and efforts for community transfer yielded no interests from community organisations. At its meeting in March 2017 the Council’s Cabinet assessed options for the pitch and putt course and resolved that the facility is declared surplus to requirements. Cabinet also agreed to the marketing of the site on the open market. The site had been registered as an Asset of Community Value (ACV). The required steps to allow community bodies to come forward to make a bid for the asset were taken. No qualifying bodies made a bid during the relevant six month period, and it is understood that the ACV listing was removed in 2019. In view of this and the formal decision of Cabinet, it is considered that the land has been clearly shown to be ‘surplus to requirements’ and therefore the test in the paragraph 99(a) of the NPPF is met.
- 6.1.6 As the proposal meets the test in paragraph 99(a) it does not need to meet the tests in (b) and (c). However the proposal would provide for alternative sports and recreation provision in terms of a gym facility. Therefore, notwithstanding that the pitch and putt facility has been closed for some years and is surplus to requirements, the proposed gym would nevertheless ensure that there would be some recreational facility in this area. In addition, it should be noted that there is no identified need in the Council’s Playing Pitch and Outdoor Sports Strategy (PPOSS) for ‘pitch and putt’ provision in Shropshire. Overall, it is considered that there are no significant issues raised in respect of the principle of an alternative use for the land.
- 6.1.7 Locational consideration – care home: Core Strategy policy CS11 supports the provision of specialist housing, including residential and extra care facilities, in appropriate locations where there is an identified need. The NPPF includes policy to significantly boost the supply of homes and recognises the importance of meeting the specific housing needs of certain groups including the elderly. National planning practice guidance on Housing for older and disabled people states that “the need to provide housing for older people is critical”. The location for this care home within the Development boundary is acceptable in principle.

- 6.1.8 The national planning practice guidance on Housing for older and disabled people states that development should address the needs of people with disabilities and reduced mobility. The site lies within an accessible location, close to services and facilities. There are numerous footways and cycleways which provide options to gain access to these. This would reduce the need for reliance on private or other vehicles to achieve connectivity.
- 6.1.9 Location – commercial element: Policy CS2 highlights the importance of the Meole Brace retail park and notes that it has scope for enhancement and expansion if required. It should be noted that the application site lies adjacent to the retail park but does not form a part of it. Policies CS2 and CS15 seek to maintain and enhance the vitality and viability of the town centre, and advocates a sequential approach to site selection. This means that only if suitable sites are not available in the town centre should out of centre sites be considered.
- 6.1.10 The NPPF sets out the appropriate tests to ensure town centre uses in out of centre locations are acceptable and do not have significant adverse impacts. It states that retail and leisure development outside town centres which are not in accordance with an up-to-date plan should include an impact assessment. This should include the impact of the proposal on investment in centres in the catchment of the proposal, and the impact of the proposal on town centre vitality and viability. SAMDev Plan policy MD10b requires that an impact assessment is required for new retail, leisure and office proposals which are outside the town centre, and not in accordance with the area's settlement strategy, and have a floorspace which exceeds 500m².
- 6.1.11 A Retail and Centres Assessment forms part of the application. This includes a sequential test. This notes that the retail and service element of the proposed development would only perform a relatively local function, helping to meet the needs of those living in the southern part of Shrewsbury. The proposed gym would perform a general health and fitness function offering a mixture of equipment and classes. It is not the intention for it to be a specialised facility. The proposed food and beverage outlets would provide a drive-through function. In terms of the overall development proposed the assessment states that it would include approximately 1,931m² of retail and leisure space and that this, taking into account the multiple units, cannot be accommodated elsewhere. The assessment has considered other sites sequentially and identifies that they do not represent suitable and available alternatives for development of the type proposed. It therefore concludes that the proposal meets the requirements of the sequential test.
- 6.1.12 In terms of potential impacts on investment in the town centre the assessment notes that a comprehensive scheme of redevelopment of the town centre is planned. It notes that there is no drive-through provision in the town centre and that there is a wide range of food and beverage outlets in the town centre. It states that health and fitness facilities are heavily concentrated in the northern part of the town, and that the retail elements would be likely to perform a local function. The units would not be of a sufficient size for a larger supermarket; and would not compete directly with the town centre. It states that it would more likely divert trade from the Meole Brace retail park.

Officers concur with the findings of the Retail and Centres Assessment and consider that the sequential test is met and that the proposal would not have a 'significant adverse impact' on Shrewsbury town centre. The proposed commercial element is therefore acceptable in principle in this location.

6.1.13 In summary, the proposed commercial units and care home can be supported in this location in principle.

6.2 Design, scale and character

6.2.1 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.

6.2.2 Care home: The care home building would have two and three storeys forming an 'S' shape. It would include flat roofs, stepped facades and other external features such as balconies and glazed balustrades. The materials palette would include a mix of brickwork, render and cladding. These would provide visual interest, helping to break up the elevations and reducing the apparent massing. It is considered that the design is appropriate for the area.

6.2.3 The bedrooms would be a minimum of 15m² with en-suite facilities. The application states that this is in excess of standards which require 12m². The bedrooms and communal areas would outlook onto surrounding open space and/or existing vegetation. The trees and hedgerow between the proposed building and the public highway to the north are to be retained, and it is considered that there would be a satisfactory buffer to avoid adverse amenity from noise from traffic. The siting and internal layout is considered to be acceptable. Overall it is considered that the care home would present a contemporary design with an attractive appearance, appropriate to its local context.

6.2.4 Retail and gym; drive-through units: The proposed retail and gym building, and coffee shop and restaurant building, would have an appropriate design for their commercial function, and be of a scale which would be capable of being assimilated within the landscape without dominating the area. The coffee shop and restaurant would have one-way vehicle flow routes for the drive-through elements, and separate parking space for customers consuming on the premises. It is considered that this commercial element of the proposed development would have an acceptable layout, with a modern design, and officers raise no specific concerns in terms of its appearance.

6.2.5 Trees and open space: The application is supported by a tree report which includes a

tree survey, constraints plan, arboricultural impact assessment, method statement and tree protection plan. The submitted documents provide an assessment of the existing trees on the Site and identifies the associated root protection zones.

- 6.2.6 The site benefits from existing mature trees and hedgerow around its perimeter, and this includes a thick belt of trees on the western side. The proposals have been designed to retain the existing perimeter trees and hedgerow on the site where possible. Nevertheless it would result in the removal of 18 individual trees and the partial removal of 3 mixed groups and hedges. The accompanying arboricultural assessment confirms that no protected or notable trees would be removed. However the Council's tree officer notes that there would be a large loss of canopy cover of mainly B category trees. The majority of the perimeter hedgerow would be retained. Small sections would be removed to provide the required pedestrian and vehicle access. In addition a belt of trees would be retained along the western boundary of the site where this faces onto the Meole Brace roundabout.
- 6.2.7 In response to comments from the Council's tree officer the landscaping proposals have been amended to include woodland-type planting of native shrub and tree species. The submitted plans indicated that landscaping would also include new hedgerow, specimen trees, herbaceous planting and grassed areas. This would include 45 standard trees and extensive areas of mixed native species hedgerow. The Council's tree officer considers that the revised landscaping would compensate for the loss of trees. It is considered that tree retention along with additional planting would ensure that there remains a good vegetated boundary to the site which would help to screen the development and soften its appearance. Precise details of landscaping proposals can be agreed as part of a planning condition.
- 6.2.8 It is considered that the development as a whole would have a satisfactory layout. The commercial and the care home elements would be developed separately but would integrate satisfactorily in visual terms. The provision of built development as a replacement to an area of open land would result in significant changes to the visual character of the area. However, the design and scale of the proposal, in conjunction with the landscape retention and new planting, would ensure a satisfactory visual appearance, compliant with Core Strategy policies CS6 and CS17, and SAMDev Plan MD2.
- 6.2.9 Open space: In relation to open space provision, SAMDev Plan policy MD2 seeks the provision of adequate open space of at least 30m² per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features. It states that for developments of 20 dwellings or more, this should comprise an area of functional recreational space for play, recreation, formal or informal uses including semi-natural open space.
- 6.2.10 The care home development would provide a variety of outdoor spaces for residents and staff. These would allow opportunities for walking, sitting, outdoor eating, events and gardening. These areas would be linked by paths. The gardens would include

ornamental and native planting. In total this would amount to approximately 46% more open space that is indicated by policy MD2. It is considered that the open space proposed is satisfactory in terms of quality and quantity as sought under this policy.

6.2.11 Sustainability considerations: The application is accompanied by a Sustainability Checklist as required under policy CS6, and a Sustainability Strategy. The proposed care home has been designed to provide a 5% reduction of energy demand beyond Building Regulations requirements. Air source heat pumps are to be used on site. Electric vehicle charging points are to be provided. Low energy light bulbs are to be fitted, and white goods would achieve the highest energy efficiency ratings. Cycle parking would be provided, both to the care home and separately to the retail units. Alternative, renewable options for power requirements, such as solar pv and wind turbines, have been investigated but have been discounted. The Sustainability Checklist states that the relatively low wind speeds would not make this a viable option. It states that the retail proposal at this stage is being provided as “shell only” and therefore renewable options may be taken forward by individual tenants. In relation to comments from the Town Council the applicant has set out the constraints to providing green roofs to the development and these include the space required for plant, and access issues for safe maintenance. Policy DP11 of the draft Shropshire Local Plan seeks to raise standards that development proposals should meet in terms of environmental credentials, however given the stage of plan preparation and the representations that have been received in relation to this draft policy it is considered that limited weight can be given to this at the current time. In relation to current policy expectations and requirements, it is considered that the proposed development incorporates a satisfactory level of sustainable design elements and is in line with Core Strategy policy CS6. Further comment on this is included in the planning balance section below.

6.3 Historic environment considerations

6.3.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire’s historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.

6.3.2 The site does not lie within a Conservation Area. Given the distance to the nearest heritage assets, it is not considered that the proposal would adversely affect the setting of any listed building or adversely affect the character or appearance of any Conservation Area.

6.4 Residential and local amenity considerations

6.4.1 Core Strategy policy CS6 states that development should safeguard residential and local amenity. The site lies adjacent to existing areas of commercial development and to busy traffic junctions. The nearest residential properties are some distance away and the proposal would not result in adverse impacts on residential amenity. The proposal adopts a relatively self-contained layout. There would be some localised

impacts on amenity in the area due to the intensification of the use of the land. This includes the additional traffic that would use the existing entrance and exit to/from Bannantynes. However it is not considered that this would be unacceptable. The layout of the care home has been designed so that those rooms that are closest to the commercial units would not contain bedrooms, in order to minimise any adverse impacts to residents from proximity to and outlook on the retail activities. These parts of the building would house the kitchen, laundry and offices. It is considered that the nearest bedrooms would be a sufficient distance from the commercial units to maintain an acceptable level of residential amenity, in line with Core Strategy policy CS6.

6.5 Highways and access considerations

- 6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. Policy CS6 of the Core Strategy identifies a number of key requirements in order to achieve sustainable places which are inclusive and accessible. This includes: “Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced” and “...ensuring that all development: Is designed to be adaptable, safe and accessible to all...”. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.5.2 For the commercial units, vehicles would follow a one-way system with access to be gained from Oteley Road and the exit being via a new connection onto Hazledine Way. The access would be at a point shortly before the existing slip road to the Bannantynes health centre and the golf club. The Council’s highways officer has confirmed that this access is acceptable. A Stage 1 Road Safety Audit has been undertaken in respect of this exit arrangement. Whilst officers consider that the proposed exit is acceptable in principle, the highways officer has advised that some concerns do remain but that these can be dealt with as part of the Section 278 agreement process which will be required in connection with alterations to the public highway. Officers consider that these matters can be satisfactorily addressed and that therefore it would be appropriate impose conditions to require that full engineering details are submitted for approval.
- 6.5.3 In response to comments from the Council’s Highways Officer the access arrangements for the proposed care home have been updated so that it now provides an exit as well as an entrance onto Oteley Road. It is considered that this arrangement is acceptable.
- 6.5.4 No concerns have been raised by the Council’s Highways Officer in relation to the number of car parking spaces being proposed for each element of the mixed use scheme. The application states that developments of this kind would usually need to provide a minimum of one space per three registered care beds.

6.5.5 The Travel Plan identifies that the nearest bus stop is located close by on Hereford Road, and bus services operate Monday to Saturday. These services would ensure that alternative transport options to private vehicles are available to staff and customers to and from the site. The site integrates with the existing pedestrian and cycle routes in the local area, including the network of paths around the Meole Brace roundabout. Bicycle parking and storage is proposed within the site layout. A Travel Plan for the care home has been submitted. It is considered that this is acceptable and a condition can be imposed to require that this is adhered to. A framework Travel Plan for the commercial units has been submitted and a planning condition can require that a more detailed one is submitted for approval to ensure that the use of sustainable modes of transport are maximised.

6.5.6 Access for Town Council maintenance vehicles: The Town Council has raised concerns over the impact of the proposal on the existing route used by its maintenance vehicles to travel between its depot and the adjacent golf course. The proposal as originally submitted would have severed this route and required maintenance machinery to use the Meole Brace roundabout to travel between the two sites. Following a site meeting a solution has been identified and the site layout has now been modified to provide a dedicated access track to the rear of the care home. The Formal Space Manager of the Town Council has informally confirmed that this arrangement is satisfactory and that it meets their needs for the movement of maintenance machinery.

6.6 Ecology issues

6.6.1 Core Strategy policy CS17 (Environmental Networks) seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policy MD2 requires that development enhances, incorporates or restores natural assets.

6.6.2 The submitted Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) confirm that the proposed development would have no direct impact on any designated sites, and found no evidence of protected or notable species. Suitable habitat for nesting birds was identified within the boundaries and scattered trees on site. Two ponds were identified within 500m, but these were not considered to be impacted by the proposed development. Neither the PEA nor the PRA recommend that further surveys are undertaken.

6.6.3 The Council's ecology team consider that the survey work that has been carried out is acceptable. They have recommended that a number of planning conditions are imposed to avoid ecological impacts during the construction phase and to provide biodiversity enhancement. These can be added to the decision notice. Subject to this it is considered that the proposal would provide biodiversity net gain at the site and comply with relevant policies on ecology protection.

6.7 Water resource and pollution issues

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

resources, including soil and water.

- 6.7.2 Surface and foul water drainage: The submitted Flood Risk and Drainage Strategy confirms that the site lies within Flood Zone 1 which denotes areas of lowest risk of flooding. Due to likely poor infiltration rates on the site and the layout being proposed, soakaways for surface water drainage have been discounted. Instead it is proposed that surface water flows would be attenuated to greenfield runoff rates, through the provision of an underground attenuation tank. The application proposes that foul water would be disposed of to mains sewer. This would be achieved by either connecting to an existing network / pumping station by the B4380 or to an existing connection point through agreement with Severn Trent Water.
- 6.7.3 The applicant has made enquiries to Severn Trent Water (STW) in relation to existing infrastructure and records. STW has confirmed that the property is not recorded as being at risk of internal flooding due to overloaded public sewers. As requested by the Council's Drainage team, a Surface Water Drainage Proforma for Major Developments has now been submitted. This, and the other submitted information, sets out the proposed indicative drainage layout and strategy. It is considered that specific details can be dealt with through a planning condition, to require that development does not commence on each phase until full details of surface and foul water drainage have been approved. This would require that sustainable water management systems are incorporated within the development.
- 6.7.4 Ground conditions: Ground Investigation reports have been submitted as part of the application, in relation to any potential soil contamination and presence of ground gas. The Council's Regulatory Services team have reviewed these. They have confirmed that the reports do not identify any significant risks to human health in relation to soil contamination. In relation to ground gas, the team have identified that a Mine Gas Risk Assessment will be required and have advised that this can be dealt with by planning condition. An additional assessment report has been submitted however this does not meet the requirements of the relevant guidance. A planning condition can be applied to the decision notice to ensure that risks are properly addressed through an appropriate assessment.
- 6.8 Affordable housing liability**
- 6.8.1 The proposed residential care home falls within Use Class C2 and the Council's adopted Type and Affordability of Housing SPD advises that such developments are not required to make a contribution to affordable housing.
- 7.0 Planning balance and conclusion**
- 7.1 The proposed development would provide a mixed-use development of retail, leisure, restaurant, café and residential care home within the development boundary of Shrewsbury. The care home would provide specialist housing for older people, the need for which national planning guidance states is 'critical', and the location for which is acceptable under Development Plan policy. The assessments undertaken as part of the planning application conclude that the proposed commercial element of the scheme meets the requirements of the sequential test in terms of its out of town centre

location, and that it would not have a significant adverse impact on the town centre. The proposal is located on land which was formerly used as a 'pitch and putt' site. This site closed in 2019 and has now been identified as surplus to requirements. Redevelopment of the site is therefore not in conflict with national planning policy.

- 7.2 The proposed development is compatible with surrounding land uses and officers do not have any significant concerns in relation to its design and layout. Whilst the development would necessitate the removal of a number of trees from the site it is considered that there would be sufficient retention of existing vegetation, and appropriate compensatory planting, to ensure a satisfactory visual appearance in this location. The landscaping proposal would also provide biodiversity enhancements. The amount and quality of open space for the care home is appropriate. Whilst there may be additional opportunities to improve the sustainability credentials of the proposed scheme, it is considered that the development is acceptable in relation to existing policy.
- 7.3 The access and egress arrangement are acceptable in principle following modifications to the proposal, and the residual concerns can be addressed through further design work which can be agreed as part of planning conditions. In addition opportunities to maximise sustainable modes of transport can be agreed as part of a Travel Plan for the commercial units.
- 7.4 The proposal would result in economic and social benefits in terms of employment creation, investment, housing provision, and commercial development. It is predicted that the care home would create between 70 and 80 jobs. It would also provide biodiversity enhancements, and would therefore contribute towards sustainable development objectives. In conclusion it is considered that the proposal is acceptable in relation to Development Plan policies and it is therefore recommended that planning permission is granted subject to the conditions set out in Appendix 1.

8. Risk Assessment and Opportunities Appraisal

Risk Management

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

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

way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose first arose.

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

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.

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. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS1 - Strategic Approach
CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision

CS11 - Type and Affordability of housing
 CS15 - Town and Rural Centres
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD8 - Infrastructure Provision
 MD10B - Impact Assessments for Town and Rural Centres
 MD13 - Historic Environment

Relevant planning history

PREAPP/17/00548 Erection of Food Store with Car Parking, Access and Ancillary
 Development PREAMD 7th December 2017

PREAPP/19/00066 Mixed use development to include A1/A3/A4/A5/D2 with drive through
 facility in addition to proposed Residential Care Home C2 PREAMD 1st April 2019

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH471MTDIFV00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Members

Cllr Ted Clarke
 Cllr Tony Parsons
 Cllr Rosemary Dartnall

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall commence until a phasing plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.

Reason: To ensure a satisfactory phasing of development.

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

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

5. a) No development within each phase of the development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a mine gas risk assessment has been undertaken to assess the potential for mine gases to exist on that phase of the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021' and having regard to current Environment Agency guidance - 'Land Contamination: Risk Management (LCRM; 2020)'. The Report is to be submitted to and approved in writing by the Local Planning Authority before development within that phase commences.

b) In the event of the mine gas risk assessment finding that phase of the site to be affected by mine gases a further report detailing a Remediation Strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must have regard to current guidance and standards and ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land in that phase after remediation.

c) The works detailed as being necessary to make safe the mine gases shall be carried out in accordance with the approved Remediation Strategy for each phase.

d) In the event that further contamination is found at any time when carrying out the approved development for each phase that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, and where remediation is necessary a remediation scheme for that phase must be prepared in accordance with the requirements of the Environment Agency guidance - Land Contamination: Risk Management (LCRM; 2020), which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme for each phase a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the risks from mine gases and any contamination identified within that phase has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. Verification must be in accordance with current guidance and standards.

Reason: To ensure that risks from potential mine gases to the future users of the land, property and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

6. Prior to the above ground works commencing on each phase, samples and/or details of the roofing materials and the materials to be used in the construction of the external walls of all buildings on that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details for each phase.

Reason: To ensure that the external appearance of the development is satisfactory.

7. Prior to the commencement of development for each phase, full engineering details of the egress onto Hazledine Way and the Oteley Road slip road accesses and egress shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be first brought into use or open to trading until the Hazledine egress has been constructed fully in accordance with the approved scheme.

Reason: To provide adequate means of access and egress from the site and in the interest of highway safety.

8. Prior to the commencement of development of each phase a Construction Method Statement, including details of construction traffic management and the phasing of road construction, shall be submitted to and approved in writing by the Local Planning Authority; the Construction Method Statement and phasing plan shall be implemented fully in accordance with the approved details.

Reason: To ensure the coordinated construction of the development and to mitigate the impact of the construction of the development site in the interests of highway and pedestrian safety.

9. No development within each phase shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan for that phase

has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing Wildlife/Habitat Protection Zones where construction activities are restricted, where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for: i) Compliance with legal consents relating to nature conservation; ii) Compliance with planning conditions relating to nature conservation; iii) Installation of physical protection measures during construction; iv) Implementation of sensitive working practices during construction; v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and vi) Provision of training and information about the importance of Wildlife Protection Zones to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan for the relevant development phase.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

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

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements e.g. hibernacula, hedgehog-friendly gravel boards and amphibian-friendly gully pots, bat and bird boxes;
- b) Written specifications for establishment of planting and habitat creation;
- c) Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved for each phase.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

11. Prior to the commencement of each phase the development a suitably qualified tree specialist shall be appointed to undertake supervision and monitoring of the tree protection fencing and ground protection measures at pre-commencement stage and throughout the

construction period for that phase as outlined in the submitted arboricultural method statement and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures in that phase.

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

12. a) No development shall take place on each phase until a scheme for the air ventilation and extraction system together with details of treatment and dispersal of fumes and odours for that phase has been submitted to and approved in writing by the Local Planning Authority.

b) The approved scheme shall be implemented in full prior to the use commencing on each phase and shall thereafter be maintained.

Reason: To protect the amenities of occupiers of adjacent land from potential smell nuisance. The information is required prior to the commencement of the development to ensure that any extraction equipment required is provided within the development from the commencement for the reasons give above.

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

13. Prior to each phase of the development hereby permitted being first brought into use/open to trading, the car parking areas and internal road layout infrastructure for that phase shall be surfaced and laid out fully in accordance with the approved drawings.

Reason: To ensure the coordinated delivery of the internal infrastructure to serve the development.

14. Prior to the first use of the retail, leisure and drive-through facilities details of proposed pedestrian and cycle paths at the site shall be submitted to and approved in writing by the local planning authority, and the approved details shall have been completed. The submitted details shall include full details of the design of paths into and out of the site, and circulation routes around the site.

Reason: To ensure satisfactory connectivity and safe routes to and from and within the site for pedestrians and cyclists.

15. Prior to the first use of each phase of the development hereby permitted details of the location, specification and appearance of all fencing and gates to be erected at the site shall be submitted to and approved in writing by the local planning authority. The fencing and gates shall be erected in accordance with the approved plans for each phase.

Reason: To control the appearance of the development in the interests of maintaining the visual character of the area.

16. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan drawing number Arbtech TPP 01 and Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only

with the prior approval of the LPA.

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

17. Prior to the erection of any external lighting within each phase on the site, a lighting plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details for each phase and thereafter retained for the lifetime of the development.

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

18. Prior to first occupation / use of the building[s] within each phase, the makes, models and locations of bat and bird boxes for that phase 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 20 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 20 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design). The boxes shall be sited in suitable locations, with a clear flight path where appropriate and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

For swift boxes: Boxes should be positioned out of direct sunlight, at least 5m high, preferably under the eaves of a building and with a clear flight path to the entrance. North or east/west aspects are preferred. (See <https://www.swift-conservation.org/Leaflet%204%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

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

19. The approved care home development shall be operated in accordance with measures set out in the approved Travel Plan dated May 2022 and these measures shall remain in force for the lifetime of the development.

Reason: To promote sustainable travel to the site and in the interests of reducing car borne traffic.

20. Prior to the retail, leisure and drive-through facilities being first brought into use/open to trading, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented fully in accordance with the approved details and shall remain in force for the lifetime of the development.

Reason: To promote sustainable travel to the site and in the interests of reducing car borne traffic.

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

21. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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

22. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats and birds as provided in Section 4.2 of the PEA and PRA (Arbtech, January 2022).

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

23. The building identified as 'care home' on the approved plan no. MBS-AHR-S1-XX-DR-A-08111 rev P06 shall be used only as a residential care home under Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose.

Reason: In order to restrict the use of the building in the interest of the amenities of the area.

24. The use of the ground floor of the building identified as 'retail building with gym above' on approved plan no. MBS-AHR-S1-XX-DR-A-08112 rev P05 shall be restricted to:

- (i) those within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose, or
- (ii) a tanning and beauty salon.

Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

25. The use of the first floor of the building identified as 'retail building with gym above' on approved plan no. MBS-AHR-S1-XX-DR-A-08112 rev P05 shall be restricted to those within Use Class E(d) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose.

Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

26. The use of the buildings identified as 'KFC' and 'Starbucks' on approved plan no. MBS-AHR-S1-XX-DR-A-08112 rev P05 shall be restricted to:

- (i) those within Use Class E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose, and/or
- (ii) drive-through food takeaway.

Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

27. The premises identified as 'KFC' and 'Starbucks' on approved plan no. MBS-AHR-S1-XX-DR-A-08112 rev P05, and the units on the ground floor of the building identified as 'retail building with gym above' on approved plan no. MBS-AHR-S1-XX-DR-A-08112 rev P05 shall not be open for customers outside the following hours: -
0600 to 0100 Monday to Sunday.

No customers shall remain in the premises outside of the above times.

Reason: To protect the amenities of the area from potential nuisance.

Informatives

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

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

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

3. 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 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. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the building and begin nesting, work must

cease until the young birds have fledged.

4. General site informative for wildlife protection

Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. 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 2006 Natural Environment and Rural Communities Act. 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 hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801). Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

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Committee and date

North Planning Committee
2nd May 2023

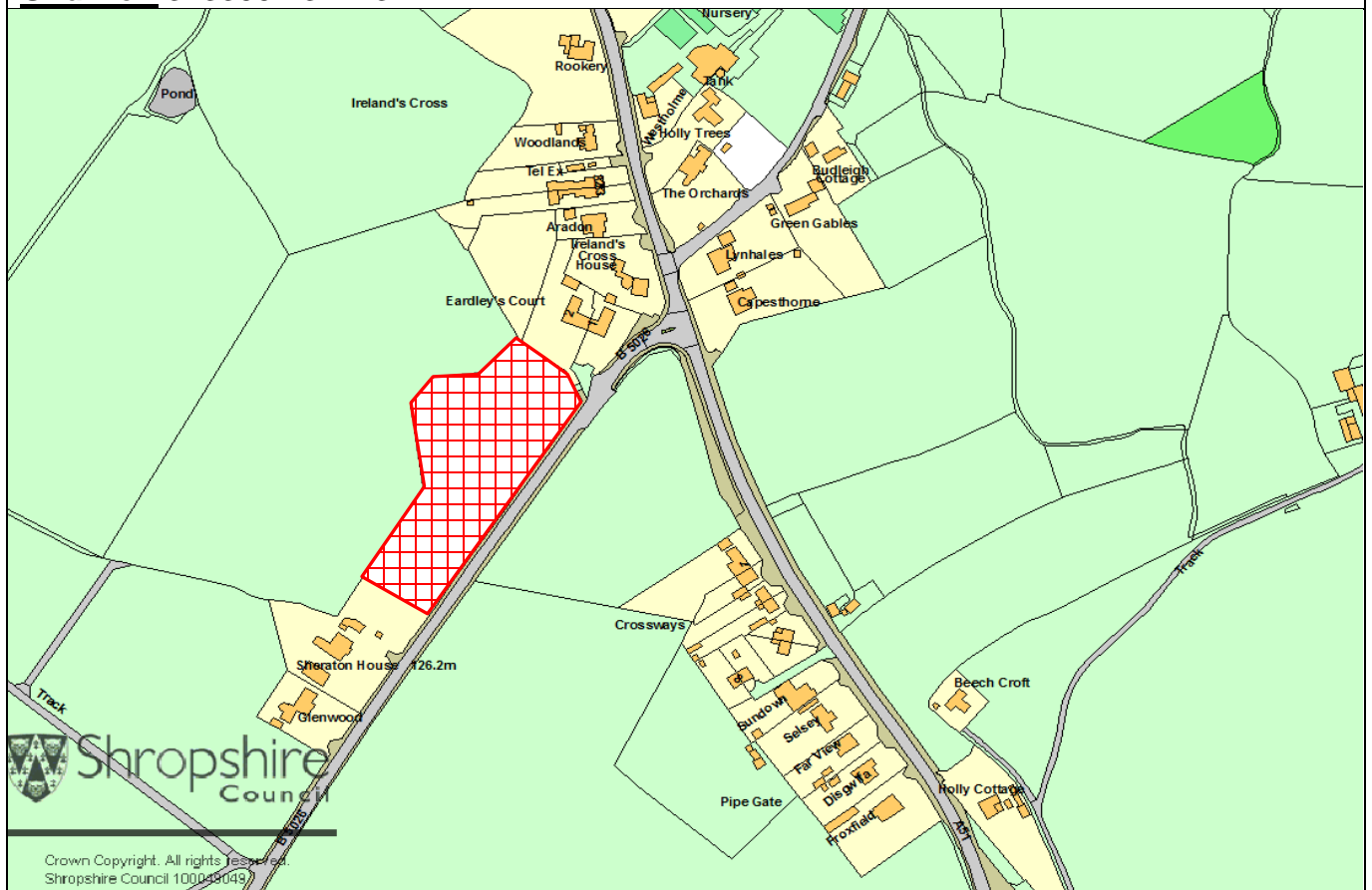
Development Management Report

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

Summary of Application

Application Number: 22/03559/FUL	Parish:	Woore
Proposal: Mixed residential development of ten dwelling (to include one self build), creation of four vehicular accesses (onto London Road), all ancillary works		
Site Address: Land West London Road, Woore, Shropshire, CW3 9RG		
Applicant: Geolane Company Limited		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	

Grid Ref: 373399 - 341232



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Recommendation: Grant subject to the satisfactory completion of a Section 106 agreement for affordable housing consisting of one affordable dwelling on site and an affordable housing contribution, a reduction in the speed limit to 40mph along the road frontage of the site, and the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for a residential development for the erection of ten dwellings on an enclosed area of land within Irelands Cross settlement near Woore. The scheme proposes a mixture of dwellings styles and sizes as set out in the table below.

Table 1. Proposed Dwelling Size and Tenure

	2 bed	3 bed	4 bed	5 bed	Total
Open-Market House	1	2	3	2	8
Self-Build Bungalow	0	0	1	0	1
Affordable House	1	0	0	0	1
Total	2	2	4	2	10

A new access road will be provided directly from London Road and will serve four of the dwellings, whilst three additional vehicular accesses will serve the remaining plots. Each of the properties has a large driveway for parking vehicles, together with a single garage for the 2 and 3 bedroom dwellings and a double garage for the 4 and 5 bedroom dwellings. A new footpath will be constructed along the roadside to provide pedestrian access to Woore village. A tree and hedgerow planting scheme is provided throughout the site.

- 1.2 This application has been submitted following a long planning history to this site dating back to 2014 when outline planning permission was first approved and more recently to an outline application 20/02060/OUT approved in 2021. Both outline applications were for ten dwellings, although the more recent outline application was submitted purely to secure permission for the principle of a residential scheme for ten dwellings and was located wholly within the development boundary of the Woore Neighbourhood Plan. This current application slightly differs and extends a small proportion outside of the adopted development boundary, but retains part of the land within the development boundary as countryside. This is explained in detail in Sections 6.1 and 6.2 of this report. Although in summary this application compared to the outline permission granted in 2021 will protect and enhance the habitat for Great Crested Newts by retaining the established native boundary hedgerow which was planted under a European Protected Species Mitigation Licence; the existing foul mains which has been constructed in association with the current layout will maintain the sustainable gravity fed system; the site develops an enclosed area of landscaped land which is located between existing residential development within Irelands Cross; and that this current development results in a reduction in the loss of open countryside compared to the more recent outline permission.
- 1.3 Informal pre-application discussions have taken place between officers and the agent regarding the submission of this application.

Amendments

- 1.4 Amended plans have been received during the consideration of the application to address officer concerns regarding the proposed layout, design and appearance of the dwellings. These alterations have been made to provide a scheme which better reflects the overall general character and appearance of the settlement by introducing more simplified roof designs, repositioning detached garages from the frontages and improved landscaping.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site is located directly along the B5415 with the settlement of Irelands Cross close to the junction with the A51. The site was formerly part of large paddock with open fields to the north and west. However, a new hedgerow has been planted to separate the development site from the paddock. Two semi-detached properties (Nos. 1 & 2 Eardley's Court) are located along the northern boundary, whilst a tennis court associated with Sheraton House is located along the southern boundary of the site. The main road runs along the south eastern boundary and is separated by a mature native hedgerow. An open agricultural field is located on the opposite side of the road to the east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Planning Manager in consultation with the committee chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways** - No objection is raised subject to safeguarding conditions.
- 4.1.2 **Shropshire Council, Trees** - Significant new trees are to be planted to the road frontage to create an attractive street scene which have been negotiated and supported. No objection is raised subject to the protection of new tree planting.
- 4.1.3 **Shropshire Council, Housing** - The applicant has provided the correct number of affordable dwellings on site. No objection is raised.
- 4.1.4 **Shropshire Council, Ecology** - No objection is raised subject to safeguarding conditions and informatives to ensure the protection of wildlife and to provide ecological enhancements. A European Protected Species 3 tests matrix must be completed.
- 4.1.5 **Shropshire Council, Drainage** - The proposed scheme will be connected to an existing foul drainage system. No objection is raised.

4.1.6 **Shropshire Council, West Mercia Constabulary** - The developer should aim to achieve the Police Crime Prevention initiative award of Secured By Design. No objection is raised.

4.1.7 **Woore Parish Council (13/09/22)** - *Woore Parish Council objects to this planning application as follows:*

- *This Planning Application now comes under the hierarchy of the Woore Neighbourhood Plan 2016/2036 (WNP) as the most recent Adopted Plan (May 2019), although the Applicant refers to in the Planning Statement to the SAMDEV Plan on housing numbers. The SAMDev Plan is superseded by the Woore Neighbourhood Plan, and is updated as follows:*
- *The Woore Neighbourhood Plan 2016-2036 "envisages that around 30 additional dwellings from 2016-2036 will be delivered". Since the Plan was adopted in May 2019 there have been 21 dwellings either built, or in the process or received planning permission. In total since 2016 there have been a total of 51 dwellings built in Woore Parish which is well more than the requirements in the WNP.*
- *When Outline Planning Permission was Granted for 20/02060/OUT the proposed development was within the WNP Development Boundary (6.5 Figure B), this application now shows development beyond the Development Boundary. This now encroaches on to land that is designated open countryside. (Policy HOU1 Scale and Location of New Housing.) During the development of the WNP, Woore Parish Council had no alternative but to include this land within the Development Boundary because at the time, it had a valid planning approval for ten dwellings. It was not done by choice. If the green space had not been approved in the face of wide objection, the land would have continued to be designated green protected space marking the boundaries of the separate communities within the Parish of Woore.*
- *This application is a re-submission of Planning Application 13/02698/OUT which was Granted on the 20th of October 2014, prior the Adoption of the WNP, but now requires to meet the Policies of the WNP Plan. This application does not meet Policies HOU2 - Housing Development a) do not adversely affect local landscape character and visual amenity b) maintains the gaps between settlements. g) does not adversely affect heritage assets or their settings.*
- *A requirement of the WNP in Policy HOU3- Design is that New housing developments will be supported where they have regard to the following requirements, this application in the opinion of Woore Parish Council does not take into consideration the following from the Policies A) Where adjoining open countryside they should provide a sympathetic built-to-unbuilt area transition. B) The topography and natural features of the sites should maximise significant views from the site to the surrounding countryside and minimise impact on the skyline. C) Minimise adverse impacts on the amenity of future or adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour, or in any other way E).*

Incorporating a variety of designs, house types and sizes, and have individual outside amenity space. F) Respect the character of the locality and the local vernacular and contribute positively to local distinctiveness. G) New developments should take account of eco and environmentally sustainable technology and materials H) Development should support features beneficial to wildlife where appropriate. All these Policies are supported by the Evidence and Justification at 6.18-6.24

- *This Application fails to provide sufficient available green space for potential occupiers and with the design to include four vehicular access to the B5026 does not meet the WNP Environment Policy ENV1 - Footpaths/Sustainable Transport 4) New developments that provide easy, accessible traffic-free routes for non-motorised users (to include pedestrians, disabled people, people with prams or baby-buggies, cyclists and where appropriate equestrians) to village facilities, parks and open spaces, and nearby countryside will be supported; and the provision of any additional routes will be supported. 5) The needs of non-motorised users (as described in para 4 above) will be taken into account in assessing the traffic implications of new development, especially in relation to their impact on rural lanes and roads. The impact of an increase in vehicle numbers from agricultural buildings conversions to residential or commercial use will also be taken into consideration. 6) Measures to be taken to ensure this may include, for example, separation of pedestrians/cyclists from vehicular traffic where possible, improvements to signage, or means of speed reduction*
- *Woore Parish Council support the numerous comments submitted from the residents in the objections to this Planning Application and would draw attention to the common themes in the applications particularly concerning road and pedestrian traffic, access to the public highway, lack of affordable housing and the duration of this matter. The wishes of the parishioners of Woore are addressed in the WNP in relation to these factors and this does not include this proposed development".*

**All comments are subject to consultee comments.*

**Woore Parish Council request that it is notified of all changes to planning conditions relating to this planning application and subsequent applications relating to it.*

4.1.8 Woore Parish Council (31/10/22) - Woore Parish Council OBJECTS to this Planning Application.

In addition to the comment submitted on Tue 13th Sep 2022, Woore Parish Council wishes to make additional comments based on amended information uploaded to the planning portal (dated 20th October 2022).

To reiterate, this Planning Application now comes under the hierarchy of the Woore Neighbourhood Plan 2016/2036 (WNP) as the most recent Adopted Plan (May 2019), although the Applicant refers to in the Planning Statement to the SAM/DEV Plan on housing numbers. The SAM/Dev Plan is superseded by the Woore Neighbourhood Plan.

Specifically, for the revisions made on 20th October 2022, we note that the layout has been revised from 9th August (5266-050 Rev A) to 18th October 2022 (5266-050 Rev B), however the application has been amended not withdrawn and resubmitted. The revision represents a fundamental change in the spread of property sizing across the development and properties served by each of the four proposed entrances (to 4,1,1,4 from 2,2,1,5).

The newly added ecology report is dated 26th July 2022, so why was it omitted from the 9th August submission? Furthermore, the 22nd July 2022 ecology report contains the revised property layout (submitted on 20th October 2022), dated 18th October 2022? We would politely request clarification on dates and timing, no evidence of discussions between SCC and the developer have been recorded in the portal aside from the email covering the plan revisions in October 2022.

We also note that no ecology surveys have been carried out since at least 2018 (according to the Ecology report) and that the TAF has recently been significantly repaired and replaced because the original TAF was in a state of disrepair.

To reiterate, Woore Parish Council support the numerous comments submitted from the residents in the objections to this Planning Application and would draw attention to the common themes in the applications. The wishes of the parishioners of Woore are addressed in the WNP and this does not include this proposed development.

**All comments are subject to consultee comments.*

**Woore Parish Council request that it is notified of all changes to planning conditions relating to this planning application and subsequent applications relating to it.*

4.2 Public Comments

4.2.1 22 individual letters of objection have been received from local residents raising the following concerns:

- Proposed site forms part of a paddock within countryside and not supported for open market dwellings within both local and national policies.
- The proposed development site falls outside the development boundary within the Woore Neighbourhood Plan.
- The development does not comply with policy HOU2 of the Woore Neighbourhood Plan.
- Overlooking and loss of privacy.
- Impact on Great Crested Newts.
- The site is not located within a settlement eligible for residential development under the former North Shropshire Local Plan. The proposed site is open countryside.
- The development does not comply with the SAMDev policy MD7a.
- Highway safety as the section of busy road adjacent to the development site is de-restricted and used by cyclists. Creation of four new accesses is unacceptable.
- Woore Neighbourhood Development Plan needs only 30 houses in the 20 years 2016 - 2036 many of which have already been achieved.

- The site is not infill as Sheraton House is outside current development boundary.
- Visual impact on residents of Pipe Gate.
- Inadequate foul sewerage.
- The village has one small primary school and no doctors surgery.
- There are already several new houses and a development in the vicinity close to the ones being proposed, that have remained unsold over the last two years. There is little need for another housing development in Ireland's Cross.
- No public consultation.

5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Layout, Scale and Design
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Affordable Housing
- Other Matters

6.0 OFFICER APPRAISAL

6.1 Background

- 6.1.1 Outline planning permission was originally granted in October 2014 for a residential development of ten dwellings on land to the west of London Road in Ireland's Cross (ref. 13/02698/OUT). This application considered the principle for residential development with access, layout, scale, appearance and landscaping as reserved matters.
- 6.1.2 At the time the site was not located within a settlement eligible for residential development under the former North Shropshire Local Plan. However, Ireland's Cross was being promoted as part of a Community Hub with Woore and Pipe Gate under the Site Allocation Management Development (SAMDev) Plan, although at the time of the application it was still out to consultation. The proposed site was therefore considered to be located in open countryside and was contrary to policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy.
- 6.1.3 However, at the time of the consideration of the application the Council in accordance with National Planning Policy Framework (NPPF) policy could not demonstrate that it had a sufficient five year housing land supply and therefore significant weight had to be given to the NPPF which was for the presumption in favour of sustainable development. The proposed residential development was considered to be located adjoining Ireland's Cross settlement with existing dwellings being located along the north east and south west boundaries. The site had pedestrian access along the existing footpath into Woore with a number of essential day to day services. The proposed development was considered to be located within

a sustainable settlement and having regard to the then current shortage in the five year housing land supply the provision of a modest sized open market scheme was considered acceptable.

- 6.1.4 Due to the shortage in the housing land supply it was considered appropriate to restrict the time period for the submission of the reserved matters application to 12 months and for the development to commence within two years from the date of the last reserved matters application. This was to enable the development to be built earlier than normal to help boost the housing supply in Shropshire.
- 6.1.5 The application was also subject to a detailed assessment of the local ecology with particular regard to Great Crested Newts and bats. It was established that a European Protected Species Mitigation Licence was required to protect the Great Crested Newts which included the planting of a mixed native-species hedgerow to the rear of the new pavement to compensate the loss of the existing hedgerow. Also a new native mixed-species hedgerow including trees was required to be along the western boundary of the site to provide good Great Crested Newt habitat to compensate for the loss of the larger area of less favourable habitat to be permanently lost under housing. In conclusion the proposed scheme was considered not to impact on any protected species subject to a European Protected Species Mitigation Licence and appropriate safeguarding conditions.
- 6.1.6 The application was approved subject to a Section 106 legal agreement for the provision of affordable housing provision either on site or as a financial contribution, together with an amendment to the local speed limit to 40mph.
- 6.1.7 Two reserved matters applications were subsequently received in July 2015 within the 12 months. Application 15/02805/REM provided five detached properties (Plots 1 to 5), whilst application 15/02806/REM also provided five detached properties (Plots 6 to 10). Officer concerns were raised that no provision for an onsite affordable dwelling was being provided, whilst concerns were also raised regarding the layout, design and appearance of the dwellings. Following detailed discussions between the developer, the architect and officers it was agreed that both of these applications would be held in abeyance whilst a third reserved matters application was submitted to overcome the issues raised (ref. 15/04397/REM). This application considered all of the ten plots and was approved at committee in January 2016. The application consisted of a mixture of dwelling styles and indicated 5 x 5-bedroom and 2 x 4-bedroom detached properties; 2 semi-detached properties (one 3-bedroom and one 2-bedroom affordable unit); and one detached 4-bedroom bungalow. The affordable dwelling was provided as the Housing Enabling Team indicated that there was a need for an affordable unit within the Parish. The developer had spoken to South Shropshire Housing Association who indicated that they were keen to purchase and manage the affordable unit and therefore Plot 2 was allocated as an affordable unit for rent. The two earlier reserved matters applications were also approved in December 2016.
- 6.1.8 In 2017 a European Protected Species Mitigation Licence was granted by Natural England and in 2018, the Temporary Amphibian Fencing was erected around the boundary of the site together with post and rail fencing and a new native hedgerow along the western boundary of the site. Trapping was carried out to remove any Great Crested Newts from the site and during this exercise only one Great Crested

Newt was found and relocated to a field hedgerow near to a pond with newts. During the project's progression, the applicant has intended to implement the development and therefore the Temporary Amphibian Fencing has been continually maintained to prevent any Great Crested Newts from entering the site. The fencing has been monitored every year since and has remained in situ and continually maintained.

- 6.1.9 Planning permission was also approved in October 2017 for the installation of a new foul outfall sewer in connection with the original outline planning permission to provide a gravity fed system rather than relying on a pumping station (ref. 17/04472/FUL). This has been constructed and the developer considered that this replaced the drainage system indicated under the outline planning permission. As the new drainage system was installed in connection with the development of this site the developer considered that these works in connection to providing drainage for the approved outline planning permission had implemented this permission. However, this was a standalone application for the drainage system and pre-commencement conditions had not been complied with on the reserved matters applications. The approved outline and reserved matters applications had therefore not been implemented and the planning permissions have subsequently lapsed.
- 6.1.10 More recently a new outline planning permission was approved in September 2021 for the erection of up to ten dwellings (with all matters reserved) being located wholly within the development boundary indicated in the Woore Neighbourhood Plan (ref. 20/02060/OUT). This boundary slightly differs from the original approved outline application development boundary which would extend outside of the Woore Neighbourhood development boundary. This permission remains extant with the reserved matters application being required to be submitted by the 30th September 2024.

6.2 Policy & Principle of Development

- 6.2.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The National Planning Policy Framework constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.2.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development through plan-making and decision-taking. The NPPF reiterates that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan. Development plan policies of particular relevance to assessing the acceptability of this housing application in principle are discussed below.
- 6.2.3 For the purposes of the assessment of this application the Local Plan presently comprises of the adopted Shropshire Core Strategy 2011; the adopted Site

Allocations and Management of Development Plan 2015; and the Woore Neighbourhood Plan (adopted May 2019). Woore Parish Council have indicated that the SAMDev Plan is superseded by the Woore Neighbourhood Plan. Although the Woore Neighbourhood Plan is the most recently adopted document in the Local Plan it does not supersede the SAMDev Plan. The proposed development has to be in conformity with the Local Plan and the development should be considered against the Local Plan as a whole. The Supplementary Planning Document on the Type and Affordability of Housing is also a material consideration and relates to the type, mix and design of housing with the provision of affordable housing on open market developments. The emerging Draft Shropshire Local Plan has been through several stages of consultation and following Stage 1 hearings in July last year the inspector confirmed that the development strategy was unsound and further work and main modifications were required to progress to examination. However, Irelands Cross is being promoted as a Community Hub under policy S11.2 with Woore and Pipe Gate with a residential guideline of 88 new dwellings through any identified saved SAMDev residential allocations; identified Local Plan residential allocations; and appropriate small-scale windfall residential development within the settlement's development boundary. Paragraph 48 of the National Planning Policy Framework sets out factors which effect the amount of weight which can be applied to relevant policies in emerging plans. Taking this into account it is considered that some limited weight can be applied to relevant draft policies within the draft Local Plan, as a material consideration in the decision making process on planning applications. The proposed development boundary follows a similar line to the development boundary with the Woore Neighbourhood Plan.

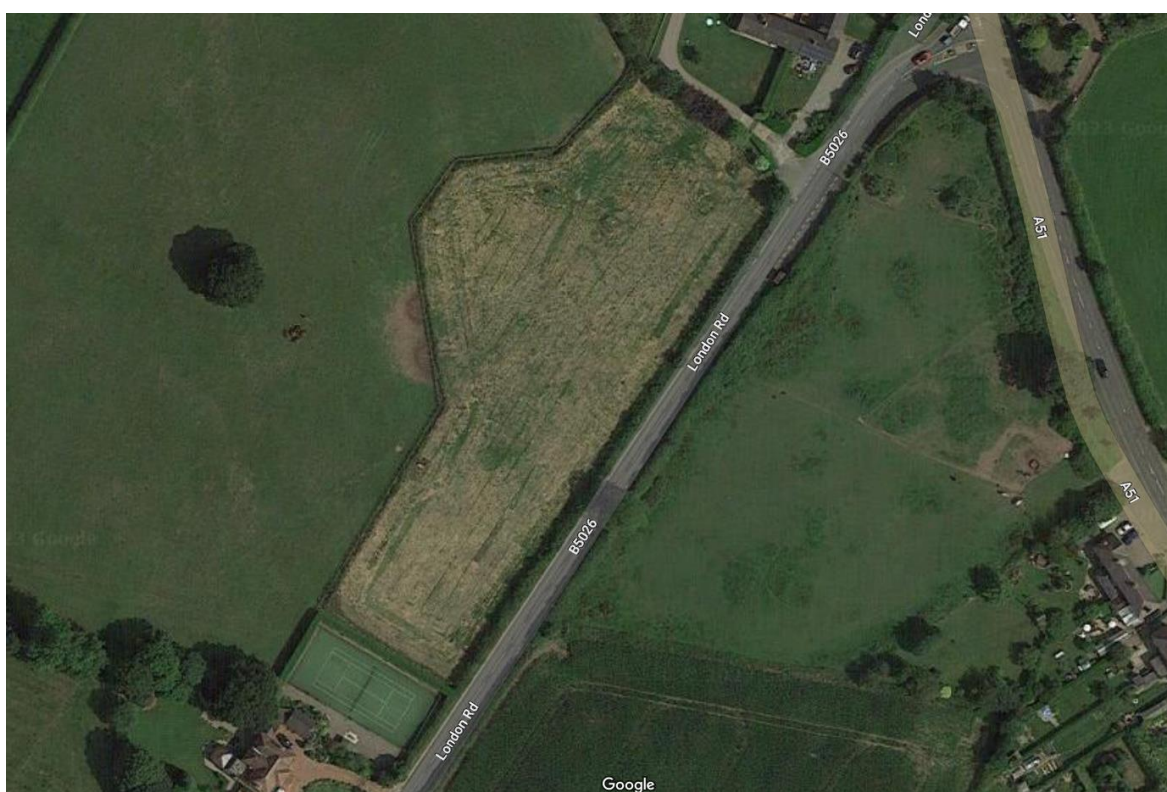
- 6.2.4 Policies CS1 and CS4 of the Core Strategy set out the strategic approach to housing provision. It is envisaged that Community Hubs and Clusters will enable the rural rebalance to make rural areas more sustainable and accommodate around 35% of Shropshire's residential development. The identification of hubs and clusters is done through the SAMDev Plan and therefore policy CS4 is reliant on the SAMDev for the detail of settlement allocation. Policies CS1 and CS4 are consistent with the objectives of the NPPF to focus new development in sustainable locations.
- 6.2.5 Policy S11.2(vii) of the SAMDev Plan indicates Woore, Irelands Cross and Pipe Gate as an allocated Community Hub reflecting the links between the three areas within the Parish. Woore has provided for significant housing growth through the former North Shropshire Local Plan, with housing development on two significant sites providing 75 homes. There is therefore limited potential for development of approximately 15 dwellings over the period to 2026 which will be delivered through limited infilling, conversions and small groups of houses which may be acceptable on suitable sites within the villages, avoiding ribbon development along the A51. Any development must respect the sensitive gap between Woore, Irelands Cross and Pipe Gate to prevent coalescence of the settlements.
- 6.2.6 The proposed residential development is considered to be located within Irelands Cross settlement with existing dwellings being located along the north east and south west boundaries. The site has pedestrian access along the existing footpath into Woore which is approximately 0.7km away which provides a number of essential day to day services.

- 6.2.7 Policy HOU1 'Scale and Location of New Housing' in the Woore Neighbourhood Plan identifies development boundaries around the individual parts of the Community Hub of Woore, Irelands Cross and Pipe Gate in order to meet local housing needs, and to remain on a scale appropriate to the existing character of Woore Parish, it is envisaged that around 30 additional dwellings from 2016 - 2036 will be delivered, incorporating small scale residential developments of up to 10 dwellings per development.
- 6.2.8 Woore Parish Council and local residents have raised objection that the proposed development extends outside of the approved development boundary as indicated in the Woore Neighbourhood Plan and that since 2016 a total of 51 dwellings have been built in the Parish which exceeds the target guidance.
- 6.2.9 Officers acknowledge that a small proportion of the proposed site subject to this current application falls outside of the Woore Neighbourhood Plan development boundary. The following plan indicates the proposed layout of the development with the development boundary overlaid.



- 6.2.10 The proposed bungalow to the north west of the development site would predominantly be located outside of the development boundary. This area of land would equate to approximately 0.1ha, whilst the area of land which is not being developed towards the south west equates to approximately 0.18ha.
- 6.2.11 Since the Temporary Amphibian Fencing was erected the new native hedgerow along the western boundary of the site has started to grow and provides a good natural boundary between the enclosed site alongside the roadside and the open

countryside to the west. This hedgerow also provides the ecological mitigation measures required to preserve and protect the Great Crested Newts. Officers consider it appropriate to develop the site boundary as historically approved rather than having to remove the hedgerow and develop the site as indicated in the development boundary under the Woore Neighbourhood Plan. This boundary also provides an awkward corner to the rear of Sheraton House to the south which is close to mature trees and which would project development out away from the roadside frontage. Due to the protection of the existing western boundary hedgerow the remaining area of land within the Woore Neighbourhood Plan development boundary would not be developed by the existing land owner. This area of land would not be accessible and would remain as countryside. The proposed development site and native hedgerow providing the Great Crested Newt mitigation is clearly visible in the following aerial photograph.



- 6.2.12 Although the development will result in the use of 0.1ha of countryside which would be contrary to policy HOU1 of the Woore Neighbourhood Plan the proposed development would result in a reduction in the level of open countryside being lost to residential. The development closely relates to existing dwellings and will allow the existing site boundary landscaping to mature and provide a mature soft edge to the development whilst safeguarding a European Protected Species. Officers consider that on balance the overall effect on the local landscape character and visual amenity of this small encroachment would be negligible in context with the development as a whole.
- 6.2.13 Woore Parish Council raises concerns regarding the increase in housing over the allocated guidance of around 30 additional dwellings as indicated in the Woore Neighbourhood Plan. However, the outline planning application (ref. 20/02060/OUT) approved an additional ten dwellings in Irelands Cross and remains extant. This

current application will not increase this number. As such officers consider that the provision of ten additional dwellings on this site is acceptable.

- 6.2.14 In conclusion officers consider that this site is in a sustainable location which is supported in principle by both local and national planning policy. Officers acknowledge that a small proportion of the site will fall outside of the adopted development boundary as indicated in the Woore Neighbourhood Plan. However, the development will not increase the number of dwellings which would have been possible within the development boundary and will utilise an enclosed field which relates better to the existing residential development adjoining the site and the roadside rather than the countryside.

6.3 **Layout, Scale and Design**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development. Policy MD2 'Sustainable Design' of the SAMDev Plan indicates that development should contribute and respect the local character of the area and respond appropriately to the form and layout of existing development including scale, density and plot sizes. Development should also reflect the local characteristic architectural design and details. The Housing SPD indicates that housing developments should achieve a suitable mix of types of and sizes of dwellings and it is particularly important to include an adequate proportion of smaller dwellings particularly in the rural area where market forces tend to lead to the provision of larger dwellings at the expense of smaller dwellings. This is also reiterated in policy HOU3 'Design' of the Woore Neighbourhood Plan which indicates that new housing development should incorporate a variety of design, house types and sizes and have individual amenity space.
- 6.3.2 Woore Parish Council and local residents do not consider that the development provides a sympathetic built-to-built area transition; impacts on the skyline; has an adverse impact on amenity; does not incorporate a variety of designs, house types, and have outside amenity space; respect the character of the locality; not incorporate environmentally sustainable technology; and does not support features beneficial to wildlife.
- 6.3.3 The proposed site consists of a mixture of house types ranging from first time /affordable homes and smaller sized semi-detached family homes to large detached family homes and a single storey bungalow. Officers consider that this provides a wide range of accommodation for differing housing needs of the community. The layout provides a predominantly roadside frontage with eight plots being positioned adjacent to the road. The proposed new road extends into the wider part of the development site with Plot 9 being positioned behind Plot 10 as viewed from the main road and Plot 8 which is a bungalow being visible from the junction of the new road with London Road.
- 6.3.4 The proposed development provides a range of house designs and appearances which Officers consider reflect the varied character of properties within Irelands

Cross. Local design features have been incorporated into the scheme with traditional dormer windows, ground floor bay windows, exposed rafter feet, stone cills and brick headers, front facing gables, external chimney stacks and decorative wood panelling. These features can be found on the proposed dwellings which have been designed so that each dwelling is individual to prevent a block of identical properties. The dwellings provide clear open landscaped frontages with all garages being located alongside the dwellings.

- 6.3.5 Officers consider that the proposed ten dwellings will sit comfortably within the site and will provide a variety of plot widths ranging from 10.5 metres to 29 metres which will reflect the wide range of plot widths of dwellings along the A51 in Irelands Cross. One of the key characteristics of dwellings in the local area is of open spaces between the properties. The proposed layout has respected this with the roadside properties having open views to the countryside beyond with spaces between them ranging from 4.5 metres to 11.2 metres. The dwellings have good separation from one another which will prevent any impact on residential amenity and provide private enclosed rear gardens.
- 6.3.6 The proposed site is relatively flat and the dwellings are well set back from the roadside with large front gardens and driveways. The dwellings have quite modest roof heights ranging from 8.1 metres to 8.6 metres and have a simple roof design. The dwellings will be visible from the roadside, although they will be viewed in relation to residential development either side. The proposed layout incorporates hedgerow and tree planting which overtime would soften the appearance, whilst the bungalow and native hedgerow to the west provides a soft transition to the open countryside. Officers do not consider that this development would have a significant adverse impact on the skyline.
- 6.3.7 Woore Parish Council does not consider that the development provides sufficient green space for potential occupiers and is contrary to policy ENV1 'Footpath / Sustainable Transport'.
- 6.3.8 The proposed development incorporates a 2 metre wide pavement along the site frontage which will link into an existing footpath and provide easy and accessible traffic free route into Irelands Cross and towards the local facilities in Woore. The proposed scheme will also incorporate the reduction in the speed limit opposite the site to 40mph which will allow for a safer use of the road by cyclists and facilitate safe means of access for vehicles. This is addressed further in Section 6.5 of this report.
- 6.3.9 Policy MD2 of the SAMDev Plan indicates that adequate open space set at a minimum standard of 30sqm per person is provided for residential developments and that for developments of 20 dwellings and more the open space needs to comprise of a functional area for play and recreation. On this basis the level of open space should be 1,230sqm, although the proposed layout does not provide any designated open space. However, the type of open space provided needs to be relevant to the development and its locality.
- 6.3.10 Within policy DP15 'Open Space and Recreation' of the draft emerging Local Plan there is an expectation that new housing development provides on-site open space. However, consideration will be given to reducing this level of provision in instances

where the development is able to provide a particularly high quality of open space on site which meets the needs of all residents. Although this emerging policy cannot be given any significant weight at present it indicates that each development has to be considered on its own merits.

- 6.3.11 The proposed development is a short walk (0.65km) from the edge of Woore settlement along a roadside footpath which provides access to a number of sports fields and play and recreation areas including a bowling green, tennis courts, cricket ground, outdoor adult gym and children's play area. The site is also close to a number of public rights of way which provide opportunities for countryside walks between settlements.
- 6.3.12 The proposed plots on this development are larger than normally found within rural settlements and would provide a good degree of private open space for the occupants. The open market plot sizes range from 600sqm to 1,400sqm with the larger 4 and 5 bedroom properties providing the larger plots. All of the dwellings exceed the minimum level of open space of 30sqm per person by double providing a good degree of private open space for the occupants. Policy CS17 of the Core Strategy indicates that an area of open space need not have a formal use or be accessible to the general public.
- 6.3.13 Officers consider that a designated area of public open space on this predominantly roadside linear development would not provide any meaningful use for residents other than providing visual amenity. However, the proposed landscaping scheme will significantly enhance the visual appearance and ecology benefit with boundary hedgerows and tree planting, whilst the large gardens will provide good quality useable open space for the occupants.
- 6.3.14 Officers consider that the proposed layout, scale and design of the dwellings would be acceptable on this edge of settlement location and would not impact on the character of existing properties or the rural character of the local area.
- 6.3.15 Plot 8 will be a self-build bungalow for the applicant with access gained from the new access road. It is expected that this part of the development will be the first phase of this development as the applicant is keen to build and occupy this property considering how much time has lapsed since the original approval. A planning condition setting out the site phasing is required to give clarity to the planning permission and establish clear and certain Community Infrastructure Levy compliance.
- 6.3.16 Conditions are proposed to agree external materials of the dwellings so that they will respect the local appearance of the area, whilst a landscaping condition will ensure a suitable level of visual enhancement. A further condition is proposed regarding electric vehicle charging points being provided to ensure sustainable transport options are available for the occupants.

6.4 **Impact on Residential Amenity**

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local

amenity. Concern has been raised from local residents and the Parish Council regarding overlooking and loss of privacy and the impact on residential amenity.

- 6.4.2 Plot 1 will be positioned 4.2 metres from the post and rail fence along the south west boundary adjacent to a conifer hedgerow and an all-weather tennis court enclosed by a chain link fence. The proposed dwelling has no habitable windows facing the tennis court, whilst the thick evergreen hedgerow will prevent any views of the tennis court from the occupiers in the garden. The first floor front and rear bedrooms will face at right angles to the tennis court and overlook the main road and the open field to the rear. Having regard to the orientation of this property the proposed windows will not result in any overlooking or loss of privacy to the tennis court or the adjoining residential property (Sheraton House). Having regard to the distance away from the boundary and with an eaves height of 4.9 metres and ridge height of 8.1 metres the proposed dwelling will not result in any overbearing impact, whilst the northern position will prevent any loss of light.
- 6.4.3 Plots 2 to 8 will be positioned to the north of plot 1 and will not face towards any residential properties. Having regard that these properties are located further away they will not result in any overlooking or loss of privacy, cause an overbearing impact or result in loss of light.
- 6.4.4 Plots 9 and 10 are located along the north western boundary with the rear elevations facing towards 1 & 2 Eardley's Court. The rear boundaries of these properties are located a minimum of between 13 and 18 metres from the rear boundary and between 37 and 45 metres from the front elevation of these properties. Having regard to the distance which is well in excess of the minimum of 20 metres it is considered that the degree of overlooking and loss of privacy will be minimal. Due to the significant separation it is not considered that these units will result in any detrimental impact on the private amenity of the occupiers of these properties.
- 6.4.6 The B5415 road runs along the south east facing boundary and links the A52 and A51. This road is used regularly and therefore the potential noise generated from ten households would not be excessive having regard to the back ground noise of the road.

6.5 Highways

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.
- 6.5.2 Concerns have been raised by local residents regarding the provision of an access and highway safety issues. The proposed application indicates the provision of a new road which will serve four of the dwellings (Plots 7 to 10) and provide vehicular access into the field to the west. A further three private driveways will serve Plots 1 to 6. The roadside hedge will be removed to provide the necessary visibility splays and facilitate the provision of a new 2 metre wide public footpath along the frontage of the site. A new hedgerow will be replanted and enhanced with tree planting to

provide a soft edge to the development. The proposed footpath will provide the occupiers of the new dwellings and occupiers of Sheraton House and Glenwood pedestrian access into Irelands Cross and the local facilities within Woore. The Highways Authority considers that the proposed accesses will not lead to highway safety concerns and adequate visibility will be provided across the footpath to provide clear views of on-coming traffic. A number of highway safety conditions are proposed regarding the provision of visibility splays, design and construction details of the accesses and onsite construction working methods.

- 6.5.3 Within the Highway Officer's response comment has been made of the need to extend the area covered by the 40mph speed limit. At present the site frontage is outside of the speed limit and as such to ensure highway safety it would be recommended that this is extended. This would need to be done through the payment of a financial contribution to the Council via a Section 106 agreement.

6.6 Impact on Trees

- 6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. The proposed development will result in the removal of the roadside hedgerow to facilitate the proposed visibility for the new accesses and provision of a pavement along the roadside. However, this will not result in the removal of any protected trees and the site is not within a Conservation Area. A new native hedgerow is proposed to be replanted along the back edge of the pavement along the entire frontage and along the new access road and in between some of the garden boundaries. Native trees are proposed along the main road frontage and along the new access road to visually enhance the appearance and improve biodiversity of the site. The Tree Officer has raised no objection to the proposed development and new planting scheme. A safeguarding condition is proposed that the trees and hedgerow planting is undertaken in accordance with the submitted landscape plan.

6.7 Ecology

- 6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.
- 6.7.2 The original outline application approved in 2014 was subject to a detailed assessment of the local ecology with particular regard to Great Crested Newts and bats. It was established that a European Protected Species Mitigation Licence was required to protect the Great Crested Newts which included the planting of a mixed native-species hedgerow to the rear of the new pavement to compensate the loss

of the existing hedgerow. Also a new native mixed-species hedge line including trees was required to be planted to the rear (western boundary) of the site to provide good Great Crested Newt habitat to compensate for the loss of the larger area of less favourable habitat to be permanently lost under housing. In conclusion the proposed scheme did not impact on any protected species subject to a European Protected Species Mitigation Licence and safeguarding conditions. The more recently outline application approved in 2021 would result in a new boundary to the development site following the development boundary line as indicated in the Woore Neighbourhood Plan. This would result in the existing hedgerow which has started to establish to be removed resulting in loss of habitat.

- 6.7.3 On this current application Woore Parish Council have indicated that the Ecology Report was omitted from the original submission of the application and has been amended, whilst no ecology surveys have been carried out since 2018. It is also commented that the Temporary Amphibian Fencing has been significantly repaired and replaced.
- 6.7.4 This application has been accompanied by an Ecology Report submitted by Evolution Ecology (dated July 2022). This was submitted with the original submission of the application and was amended in October following a revision to the site layout.
- 6.7.5 The Ecology Report indicates that in 2014 garden ponds and field ponds within a 500 metre radius of the proposed development site were surveyed during the spring of 2014 (March to May). Garden Ponds 1 and 3 were found to have Great Crested Newts and Smooth/Palmate Newts utilising them. At the time of the surveys, the population size was a small-meta population, and it was anticipated that the proposed development would have a small negative impact on terrestrial Great Crested Newts, but no direct impact on the breeding ponds. Therefore, a Natural England Development Licence was required to relocate any terrestrial Great Crested Newts off the site.
- 6.7.6 In 2017 a Natural England Development Licence was granted and in 2018 the Temporary Amphibian Fencing was erected, and trapping was carried out in April 2018. During this trapping exercise, one Great Crested Newt was found at the site and relocated to the receptor site (a field hedgerow near the Great Crested Newt pond).
- 6.7.7 The Council Ecologist has indicated that during the project's progression the applicant intended to implement the development and therefore the Temporary Amphibian Fencing has been continually maintained to prevent any Great Crested Newts from entering the site. The Temporary Amphibian Fencing has been monitored every year since and has remained in situ and continually maintained.
- 6.7.8 The Natural England Development Licence was granted in 2017, although this expired on 1st August 2019. The applicants ecologist has discussed the proposed development with Natural England who confirmed that the Temporary Amphibian Fencing was to stay in situ until the new planning permission is granted to allow for a new Natural England Licence to be issued.

6.7.9 Natural England have indicated that a new license will require a walk over survey of the site to ensure that there are no significant changes to habitats on site. Natural England have indicated that if there are no significant changes then they would be able to accept the previous survey data. The applicants ecologist has confirmed that they have visited the site earlier this year and confirmed that there are no changes.

6.7.10 The Council Ecologist has reviewed the application and raises no objection.

6.7.11 This application will be subject to a new European Protected Species Mitigation Licence and therefore the Council Ecology Team have completed a European Protected Species 3 Tests Matrix as indicated in Appendix 2 of this report. Safeguarding conditions are also proposed requesting the European Protected Species Mitigation Licence being submitted prior to work commencing on site; landscaping plan; Habitat Management Plan; bat and birds boxes for ecology enhancement; and external lighting to protect bats.

6.8 **Drainage**

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

6.8.2 The application indicates that foul water drainage will be directed to a gravity fed foul drainage system which was approved under planning permission 17/04472/FUL. This will be directed to an existing foul mains on Dorrington Lane and will allow foul water to be dealt with in an effective and sustainable manner. This drainage system eliminated the need for a pumping station which would have required maintenance, energy and management and was proposed in association with the original outline application for ten dwellings (ref. 13/02698/OUT). The foul outfall sewer has been already installed and approved by Severn Trent Water and there is no objection with this revised scheme being connected. Severn Trent Water has to assess the connection requirements and check that their existing network has capacity for the proposed connections and would not allow any new connections if there was not capacity.

6.8.3 The application indicates that surface water will be disposed of via a sustainable drainage system consisting of individual soakaways serving each of the dwellings. These have been designed to store surface water for 1 in 100 year storm events including 40% climate change. The proposed access road will incorporate permeable paving to enable surface water drainage. No concerns have been raised regarding the suitability of the local ground conditions should soakaways be proposed.

6.8.4 A safeguarding condition is proposed that the foul and surface water drainage is undertaken in accordance with the submitted drainage plan.

6.9 **Affordable Housing**

6.9.1

Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The Parish Council have raised concerns that inadequate affordable housing is being provided. However, the existing target rate is 15% which equates to the provision of one affordable dwelling on site and a financial contribution of £45,000 towards affordable housing. Plot 1 is a two bedroom semi-detached dwelling and is allocated as the affordable dwelling. The Housing Enabling Officer has raised no objection and confirmed that the affordable housing provision is in accordance with policy CS11. The proposed dwelling and provision of the contribution would form part of a Section 106 legal agreement to secure the affordable dwelling in perpetuity and allocate the financial contribution for affordable housing.

6.10 Other Matters

- 6.10.1 Local residents have raised concerns that Woore village has one small primary school and no doctors surgery. However, the open market dwellings on this proposed scheme will be subject to a Community Infrastructure Levy payment which will provide a significant contribution which will help towards improvements to health and education provision for the community as indicated within the Market Drayton and Surrounding Area Place Plan which includes Irelands Cross and Woore.
- 6.10.2 Local residents have also raised concerns that some existing dwellings on the market have remained unsold over the last two years and there is little need for further housing development. Unfortunately, the current housing market is not a material planning reason which can be taken into consideration in considering this application.
- 6.10.3 Concerns have also been raised from local residents that no public consultation has been undertaken on this application. However, the Council no longer sends out individual letters to members of the public on planning applications and this was agreed at Cabinet as part of the Statement of Community Involvement Report in June 2021. A site notice was erected adjacent to the site, whilst the application was advertised within the Shropshire Star and Woore Parish Council were notified and have held meetings to discuss the application.

7.0 CONCLUSION

- 7.1 The proposed site is located within the settlement of Irelands Cross with the majority of the site falling within the development boundary of the Woore Neighbourhood Plan. It is acknowledged that a small section falls outside this area, although the development site is within an enclosed landscaped plot of land positioned between existing residential development within the settlement. Policy S11.2(vii) of the SAMDev Plan supports the delivery of housing development through infilling and small groups of housing. The proposed development will protect and enhance the habitat for Great Crested Newts by retaining the established native boundary hedgerow, whilst the development will result in the loss of less open countryside than the outline application approved in 2021. The site is located within a sustainable settlement with existing residential development on two boundaries providing a natural infill development and will not extend out into open countryside.. Taking all

matters into consideration the development will provide a mixture of dwellings for the local community and therefore on balance this residential development is considered acceptable in principle.

- 7.2 The development site is within walking distance of Woore which is only 0.65km along a pavement where a number of essential day to day services are available. The development site can be developed to provide a safe means of access, suitable drainage and a layout which could be designed to prevent any detrimental impact on neighbouring properties or visual impact. The use of the land would not result in the impact on any protected species and wildlife, whilst no important trees will be lost. The development would be positioned between existing residential properties and would have a roadside frontage which is characteristic to the majority of properties in Irelands Cross.
- 7.3 In arriving at this decision the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.
- 7.4 The recommendation is therefore one of approval subject to the conditions as outlined in Appendix 1 attached to this report and subject to a Section 106 agreement for the provision of an affordable dwelling and housing contribution, together with a speed reduction sign of 40mph along London Road.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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

10.0 **BACKGROUND**

10.1 **Relevant Planning Policies**

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

National Planning Policy Framework:

Shropshire Council Core Strategy (February 2011):

CS4 : Community Hubs and Community Clusters

CS6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD12 : Natural Environment

S11 : Market Drayton

Woore Neighbourhood Plan (May 2019):

HOU1 : Scale of New Housing
HOU2 : New Housing Location
HOU3 : Design
ENV1 : Footpaths / Sustainable Transport

Type and Affordability of Housing Supplementary Planning Document (September 2012):

10.2 Relevant Planning History

- 13/02698/OUT - Outline application for the erection of ten dwellings (Amended Description). Granted 20th October 2014.
- 15/02805/REM - Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to planning permission 13/02698/OUT (Phase B - Approval for plots 1 to 5 and 7). Granted 1st December 2016.
- 15/02806/REM - Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to planning permission 13/02698/OUT (Phase A - Approval for plots 6 and 8 to 10). Granted 1st December 2016.
- 15/04397/REM - Approval of Reserved Matters (access, appearance, landscaping, layout and scale) pursuant to planning permission 13/02698/OUT (Plots 1 to 10). Granted 29th January 2016.
- 17/04472/FUL - Installation of foul outfall sewer in connection with previously approved housing scheme. Granted 24th October 2017.
- 19/00766/FUL - Erection of one detached dwelling and a detached garage (Plot 6). Refused 23rd April 2019.
- 19/00767/FUL - Erection of one detached dwelling (Plot 8). Refused 23rd April 2019. Refused 23rd April 2019.
- 19/00768/FUL - Erection of one detached dwelling and a detached garage (Plot 9). Refused 23rd April 2019.
- 19/00769/FUL - Erection of one detached dwelling (Plot 10). Refused 23rd April 2019.
- 19/00770/FUL - Construction of access road, drainage and service route with associated infrastructure. Refused 23rd April 2019.
- 19/05128/DIS - Discharge of condition 8 (ecological construction method statement) attached to planning permission 13/02698/OUT. Non Determined.

- 19/05343/DIS - Discharge of conditions 5 (roads, footways and access), 6 (construction method statement) and 9 (construction method statement) attached to planning permission 15/02805/REM (plots 1 to 5 and 7). Refused 17th February 2020.
- 19/05344/DIS - Discharge of conditions 5 (road, footways and access), 6 (construction method statement) and 9 (construction method statement) attached to planning permission 15/02806/REM (plots 6 and 8 to 10). Refused 17th February 2020.
- 20/02243/CPL - Application for a Lawful Development Certificate for a proposed use or development : that the permitted development can lawfully continue, subject to compliance with conditions and the Section 106 Legal Obligation. Withdrawn 9th June 2021.
- 20/02244/CPE - Application for Lawful Development Certificate for an existing use or operation : the permitted development was lawfully implemented and that the existing development is lawful. Withdrawn 9th June 2021.
- 20/02060/OUT - Outline application for the erection of up to ten dwellings (all matters reserved). Granted 30th September 2021.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 22/03559/FUL

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall

Local Member - Cllr Roy Aldcroft

Appendices

APPENDIX 1 - Conditions

APPENDIX 2 - European Protected Species Three Tests Matrix

APPENDIX 1 - Conditions**Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
Reason: To ensure that the external appearance of the development is satisfactory.
4. The visibility splays shown on Site Plan Showing Visibility Splays drawing no. 5266-107 Rev.A dated the 3rd April 2023 shall be set out in accordance with the splay lines shown prior to the first occupation of the dwellings. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwellings being occupied and thereafter be maintained at all times free from any obstruction.
Reason: To provide a measure of visibility from the new accesses in both directions along the highway in the interests of highway safety.
5. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level and completed to adoptable standard as shown on the application drawings before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.
Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.
6. The proposed landscaping shall be undertaken in accordance with the Proposed Landscaping Layout drawing no. 5266-111 Rev.A dated the 3rd April 2023 prior to the first occupation of the dwelling(s) hereby approved. The landscape works shall be carried out in full compliance with the approved plan and schedule. Any trees or plants that, within a period of five years after planting, are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
Reason: To ensure the provision, establishment, and maintenance of a reasonable standard of landscape in accordance with the approved designs.

7. The proposed surface and foul water drainage schemes shall be installed in accordance with the Flood Exceedance Plan drawing no. K22-031-004 dated the 5th April 2023 prior to the first occupation of any of the dwellings hereby approved.
Reason: To ensure that the surface and foul water drainage systems are adequate and to minimise flood risk.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. No works shall take place until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.
Reason: To ensure the protection of great crested newts, which are European Protected Species.
9. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- Description and evaluation of the features to be managed.
 - Ecological trends and constraints on site that may influence management.
 - Aims and objectives of management.
 - Appropriate management options for achieving aims and objectives.
 - Prescriptions for management actions.
 - Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually).
 - Personnel responsible for implementation of the plan.
 - Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality.
 - Possible remedial/contingency measures triggered by monitoring.
 - The financial and legal means through which the plan will be implemented.
- The plan shall be carried out as approved.
Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and Section 175 of the NPPF.
10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- A traffic management and hgv routing plan and local community protocol the parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
- Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.
11. No development shall commence until full engineering and construction details of the accesses, new road, and footway provision along the site frontage as shown on the Proposed Site Plan drawing no. 5266-050 Rev B have been submitted to and approved

by the Local Planning Authority; the agreed details shall be fully implemented before the development is first occupied.

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

12. No development shall commence until a programme for the implementation of the development of the site and the respective timing and implementation of associated infrastructure required to serve each phase as indicated on the Construction Phasing Plan drawing no. 5266-101 Rev.A dated the 4th April 2023 has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the approved Phasing Plans or such other Phasing Plans which may be agreed with the Local Planning Authority.

Reason: To ensure that the development is delivered in a coordinated manner.

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

13. The development hereby permitted shall not be first occupied until the areas shown on the approved Proposed Site Plan drawing no. 5266-050 Rev.E dated the 14th March 2023 for parking and turning of vehicles has been provided, properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

14. Prior to first occupation / use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site: 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 opportunities, in accordance with MD12, CS17 and Section 175 of the NPPF.

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

- A minimum of 4 swift bricks.

- A minimum of 2 sparrow nest boxes (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. Swift boxes should be positioned out of direct sunlight, at least 5m high, preferably under the eaves of a building and with a clear flight path to the entrance. North or east/west aspects are preferred. The boxes shall thereafter be maintained for the lifetime of the development.

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

16. Prior to the first occupation of any of the dwellings hereby approved a scheme outlining the provision for future electric vehicle charging points shall be submitted to and agreed

in writing with the Local Planning Authority. The provision for future electric vehicle charging points shall be implemented in accordance with the agreed scheme.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help protect and exploit opportunities for the use of sustainable transport modes as required by paragraph 112 of the NPPF.

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

17. 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. European.

APPENDIX 2 - European Protected Species Three Tests Matrix**Application reference number, site name and description:**

22/03559/FUL

Proposed Residential Development Land West Of, London Road, Woore, Shropshire

Mixed residential development of ten dwelling (to include one self build), creation of four vehicular accesses (onto London Road), all ancillary works

Date:25th August 2022**Officer:**Sophie Milburn
Planning Ecologist
sophie.milburn@shropshire.gov.uk
Tel: (01743) 254765**Test 1**

Is the development 'in the interests of public health and public safety, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers are likely to access and use local services and facilities helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

The proposal will provide 10 houses which will help the supply of open market housing and will also provide affordable housing on site at the prevailing rate at the time of the reserved matters application. The current rate of 15% would provide on site affordable

houses and a financial contribution. Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings in a settlement without a proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement.

Test 2

Is there ‘**no satisfactory alternative?**’

The Parish Council wish to avoiding ribbon development along the main A51 road and any development must respect the sensitive gap between Woore, Irelands Cross and Pipe Gate to prevent coalescence of the settlements. However, the proposed development will be located along the B5415 road and is closely related to other dwellings in Irelands Cross to the north and south. The site would represent a natural infill expansion of the settlement and is an allocated site within the Woore Neighbourhood Plan and there are no suitable alternative sites which are considered acceptable.

Test 3

Is the proposed activity ‘**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range?’

I have read the submitted letter from Evolution Ecology (dated July 2022).

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS resting place and killing or injury of an EPS.

In 2014, garden ponds and field ponds within a 500m radius of the proposed development site were surveyed during the spring of 2014 (March to May). ‘Garden Ponds 1 and 3 were found to have GCN and Smooth/Palmate newts utilising them’. ‘At the time of the surveys, the population size of the GCN was a small-meta population, and it was anticipated that the proposed development would have a small negative impact on terrestrial GCN, but no direct impact on the breeding ponds. Therefore, a Natural England Development Licence was required to relocate any terrestrial GCN off the site.

In 2017, the Natural England Development Licence was granted (2017-29125-EPS-MIT).

In 2018, the Temporary Amphibian Fencing (TAF) was erected, and trapping was carried out in April 2018. During this trapping exercise, one GCN was found at the site and relocated to the receptor site (a field hedgerow near the GCN pond).

During the project's progression, the client intended to implement the development; therefore, the TAF has been continually maintained to prevent any GCN from entering the site.' The TAF has been monitored every year since and has remained in situ and continually maintained.

The Natural England Development Licence was granted in 2017 and expired on 1st August 2019. After talks with Natural England, it was confirmed that the TAF was to stay in situ until the new planning permission is granted to allow for a new Natural England Licence to be issued.' The letter from Evolution Ecology includes the email from Natural England confirming that the TAF is to stay in situ.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS resting place and killing or injury of an EPS.

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of great crested newts at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Richard Denison (dated 25th August 2022) are included on the decision notice and are appropriately enforced. The conditions are:

- European Protected Species Licence;
- Landscaping Plan; and
- Habitat Management Plan.

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<u>Committee and date</u>
Northern Planning Committee
2nd May 2023

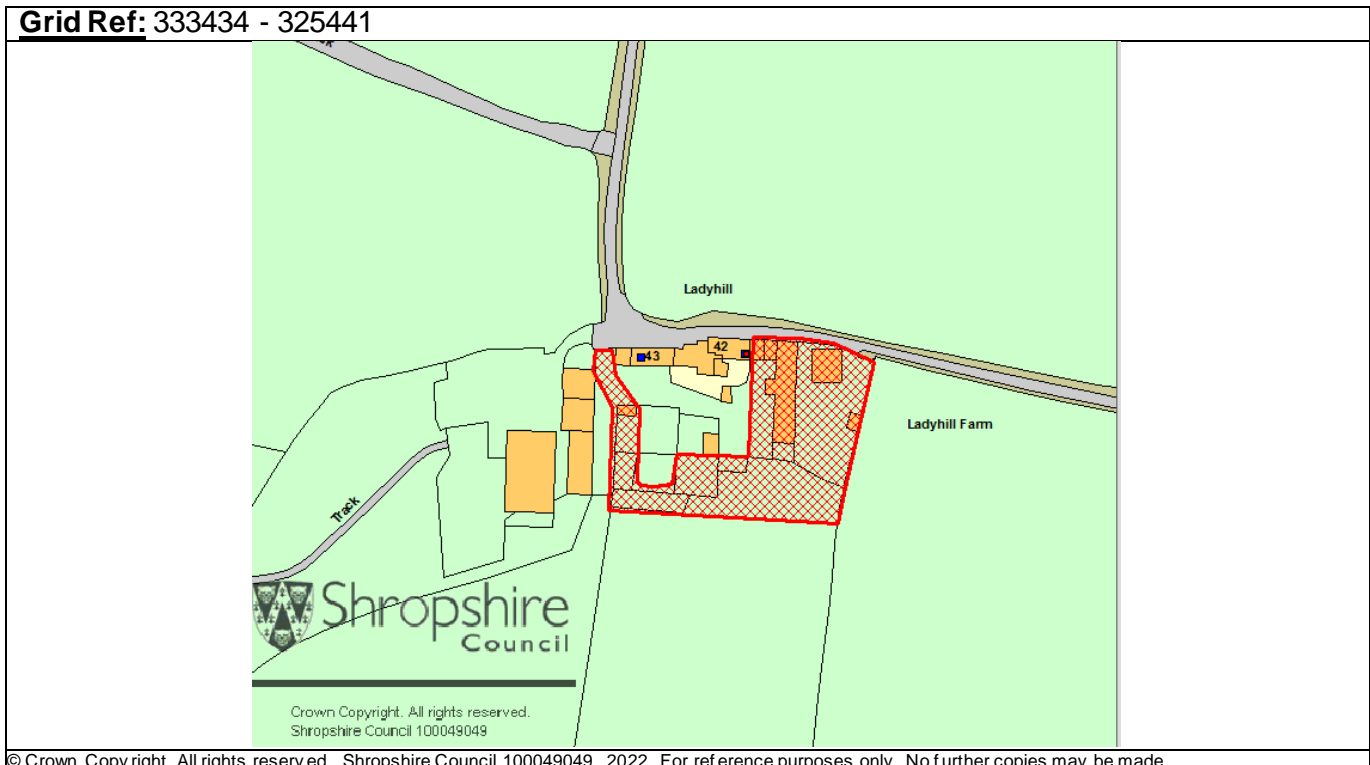
Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/05620/FUL	<u>Parish:</u>	West Felton
<u>Proposal:</u> Conversion of a range of traditional outbuildings into 2No. residential units to include associated hardstanding, curtilage, access connection to required services to include a foul system, soakaway and oil tank		
<u>Site Address:</u> Lady Hill Farm West Felton Oswestry Shropshire SY11 4JZ		
<u>Applicant:</u> Shropshire Council		
<u>Case Officer:</u> Sara Robinson	<u>email:</u> sara.robinson@shropshire.gov.uk	

Grid Ref: 333434 - 325441



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application is to convert an L shape range of agricultural outbuildings into 2 no. 4 bedroom residential units with a garage building. The proposed garage will provide a car port and an enclosed garage/store per unit and with four additional car parking spaces per unit. It is proposed for each unit to have private gardens to the east and a shared pedestrian access to the west. The proposal includes associated hardstanding, curtilage and access connection to required services.
- 1.1.2 The application forms a re-submission of application 22/00457/FUL which was previously withdrawn.
- 1.1.3 Amended plans have been received which have retained the boundary stone wall in its original location and have provided confirmation that the historic wall will remain in its original location and has provided some landscaping details.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within designated open countryside.
- 2.2 The site comprises an L shaped building. Dwellings to the west are attached to the application building.
- 2.3 A highway runs along the northern boundary of the site with fields located beyond the road. To the east and south of the site are open fields. Immediately to the west are farm buildings.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Determination of this application is required by committee as the site is in the ownership of the Council and the proposed development is not in-line with the Council's statutory functions, thus Committee consideration is required as set out in Part 8 of the Council Constitution.

4.0 Community Representations

4.1 Consultee Comment

- 4.1.1 SC Drainage & SUDS - 24/01/2023

Drainage Comment:

All correspondence/feedback must be directed through to Shropshire Councils Development Management Team.

Informative Notes:

A sustainable scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils SuDS Handbook which is available in the Related Documents Section on the Councils Website: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-andmaintenance/sustainable-drainage-systems-handbook/>

Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook. Shropshire Council will not permit new connections to the Highway Drainage network.

Where a proposed surface water attenuation feature serves multiple properties, this feature should not be constructed within a private property boundary and be located in areas of public open space or shared access to allow future maintenance.

4.1.2 SC Affordable Housing - 03/02/2023

As the site is 0.7ha then it does meet the threshold for affordable housing. The proforma shows the correct level of contribution.

4.1.3 SC Archaeology - 07/02/2023

SC Archaeology confirm they have no comments to make on this application with respect to archaeological matters.

4.1.4 SC Ecology - 03/03/2023**No objection:**

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17. They have reviewed the information and plans submitted in association with the application and they are happy with the survey work carried out.

The Ecological Appraisal carried out by Greenscape Environmental (September 2022) found no signs of bats or nesting birds in the buildings. No further surveys were recommended. In the event a bat is found during works, works must stop and NE or a licensed ecologist must be contacted for advice on how to proceed.

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

SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of bat boxes/integrated bat tubes and bird boxes will enhance the site for wildlife by providing additional roosting and nesting habitat.

They recommend that the following conditions and informatives are included on the decision notice:

by providing additional roosting and nesting habitat.

4.1.5 SC Tree Team - 28/03/2023

A landscaping scheme has not been provided to the standard requested, but the additional detail does indicate the quantity, type and location of the proposed tree planting, which is to an acceptable level. The SC Tree Team wouldn't object to the scheme going forward on these grounds providing that a pre-commencement condition was applied to planning permission requiring that a scheme be provided.

4.1.6 SC Conservation - 05/04/2023

Following the HE Team comments made 17.02.23 the SC Conservation Team have now been re-consulted on the revisions submitted.

The revisions have addressed the concerns raised and they now consider the scheme to be acceptable. They would, however, wish the officer to note that the use of Laurel hedging to subdivide the plots will appear too domestic in character within the setting of farm building conversions. They would suggest a native mix would be more appropriate, and therefore a landscaping condition will need to be attached to any consent issued to ensure the details are appropriate (this should be pre-commencement).

The following conditions are suggested for inclusion on any consent issued:

Precom - Landscaping and CC1

During – JJ3, JJ7, JJ8, JJ10, JJ17, JJ20, JJ23.

4.1.7 SC Conservation – 17/02/2023

Please refer to previous comments made on the withdrawn application 22/00457/FUL. On this application we would comment as follows:

1. There is no reason on visibility grounds for what appears to be a historic stone wall to be taken down and relocated and therefore we would encourage this to be retained in its current position as it will retain the existing rural context and character of the location.

2. In addition to 1. Above we would note that there is not detail regarding the means of enclosure at the point of pedestrian and garden access to Unit 1. We would suggest that this should be formed using native hedging with a pedestrian timber gate to provide the pedestrian access to avoid its use as a vehicular access. Apart from these issues I consider the scheme to be a marked improvement to that of the previously withdrawn application which could be supported, however, due to the above points it would be premature to do so.

4.1.8 SC Highways - 27/02/2023

No objection – subject to the development being constructed in accordance with the approved details and the following conditions and informative notes.

Conditions:

- Access, Parking, Turning
- Vehicular Closure of Access
- Passing Places

Observations/Comments:

It is considered that, subject to the conditions listed above being included on any

approval, there are no substantiative highway conditions upon which to base an objection on highway safety grounds.

The potential implications of the traffic movement along the lane have been assessed and reviewed in earlier applications to support the principle of the proposal with a more detailed assessment forwarded under PREAPP/22/00398.

The current supporting information whilst mentioning the provision of places has not formally submitted details.

The existing eastern access into the garden area of unit 1 is substandard in terms of visibility and with the current scheme is superfluous for vehicular access. The access width maybe revised to ensure only pedestrian use and will not require the whole of the wall to be realigned as suggested on the Proposed Site Plan.

Informative notes:

- Works on, within or abutting the public highway
- Waste Collection

Background:

- 22/00457/FUL,
- PREAPP/22/00398

4.2 Public Comments

4.2.1 Parish Council - 16/02/2023

The Parish Council has no objection to the application. However, the Parish Council does have concerns about the number of vehicles using this very narrow lane with inadequate passing places and the impact on safety for pedestrians, cyclists, and horse riders that frequently use the lane. The Parish Council therefore requests that if permission is granted then it is made conditional upon the creation of adequate passing places along the lane.

4.2.2 Following the display of a site notice for the period of 21 days, no public representations were received at the time of writing this report.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.

- 6.1.2 Paragraph 14 of the National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.3 The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.
- 6.1.4 Policy CS1 'Strategic Approach' of the Shropshire Council Core Strategy and Policy MD1 'Scale and Distribution of Development' of the SAMDev Plan seeks to steer new housing to sustainable locations described as Market Towns, Key Centres, Community Hubs and Clusters. This is repeated throughout Policies CS3 'The Market Towns and Key Centres', CS4 'Community Hubs and Clusters', CS5 'Countryside and Green Belt' and CS11 'Type and Affordability of Housing' of the Core Strategy. Community Hubs and Clusters were designated as part of the adoption of the SAMDev Plan in 2015.
- 6.1.5 The site is located within the open countryside.
- 6.1.6 The relevant policies are CS5 and MD7a which allow for the conversion of redundant rural buildings in the countryside to dwellings provided the proposal takes account of and makes a positive contribution to the character of the building and respects the significance of the heritage asset, its setting and the local landscape character.
- 6.1.7 In addition to the above-mentioned policy, in considering the proposal, due regard is also given to local policies CS6, CS17 and MD2. These policies seek that 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
- 6.1.8 Policy MD7a requires that in the case of market residential conversions, requiring planning permission, the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value. The Conservation Officer has been consulted on the proposed development and has made reference to their comments made on application reference 22/00457/FUL where they stated that the building to be converted is a non-designated heritage asset.
- 6.1.9 In light of the above it is therefore considered that the buildings subject to this application would comply with policies CS5 and MD7a.

- 6.2 Siting, scale and design of structure
- 6.2.1 The application forms a re-submission of application 22/00457/FUL which was previously withdrawn. The previous scheme proposed to convert the range of traditional outbuildings into 3No. residential units to include associated hardstanding, curtilage, access connection to required services to include a foul system, soakaway and oil tank. Concerns had been raised by Highways who stated that the submitted application is limited in terms of assessing the adequacy of the approach road leading to the site, which is essentially single width. In light of the narrowness of the approach road they would expect a Transport Statement to address this point and would look at its current permitted use and trading this off against the current proposed redevelopment and resultant traffic movements. The Conservation Officer had also raised concerns in relation to no Heritage Assessment being submitted and therefore insufficient information in order to assess the proposed alterations and conversion scheme, the size of the red line boundary, the reduction in curtilage afforded to existing residential units, insufficient information in relation to the undercroft, no sections being provided, the plans and elevations do not match, too many roof lights proposed, the number of units will result in undue pressure on the character and appearance of the historic farmstead, the removal of the dairy lean-to would reveal the buildings and is of no historic value.
- 6.2.2 Amendments have been undertaken to the proposed plans, the most significant being the reduction in the proposed number of units, the reduction of the scale of the proposed garage, site layout/access, removal of the dairy lean-to, and the number of proposed roof lights have been reduced. The alterations help to retain the original appearance and features of the buildings to be converted and provide better access and amenity space.
- 6.2.3 Unit 1 is proposed to have an internal floor area of approximately 180.6m². The ground floor will accommodate an open plan kitchen/dinning room, pantry, utility, entrance hall with cloak room, WC, Sitting area and living room, whilst the first floor will provide a family bathroom and four bedrooms, two of which will have en suites. The unit will have a rear garden which is considered to be commensurate to the size of the dwelling. It is noted that the proposed first floor windows will not directly overlook private amenity space afforded to neighbouring properties.
- 6.2.4 Unit 2 is proposed to have an internal floor area of approximately 141.6m². The ground floor will accommodate an open plan kitchen/dinning/living room, pantry, utility, entrance hall with cloak room, WC, as well as a bedroom with en-suite, whilst the first floor will provide a family bathroom, stores and three bedrooms and a void above the living room. The unit will have a rear garden which is considered to be commensurate to the size of the dwelling. It is noted that the proposed first floor windows will not directly overlook private amenity space afforded to neighbouring properties.
- 6.2.5 The proposed carport/store is to measure approximately 12m in width and 6m in depth and will reach a height to the ridge and eaves of approximately 3.9m and

2.2m respectively. The carport/store will be finished in brick plinth below a green english oak or similar cladding with oak posts and a slate roof. The building will provide one car port and one enclosed store per unit.

- 6.2.6 The SC Conservation Officer has commented on the proposed development and has stated that there is no reason on visibility grounds for what appears to be a historic stone wall to be taken down and relocated and therefore would encourage this to be retained in its current position as it will retain the existing rural context and character of the location. The Conservation also noted that there is no detail regarding the means of enclosure at the point of pedestrian and garden access to Unit 1. The Conservation Officer suggested that this should be formed using native hedging with a pedestrian timber gate to provide the pedestrian access to avoid its use as a vehicular access. It is noted that the tree officer has also requested additional information in relation to landscaping.
- 6.2.7 Amended plans received have retained the wall in its original location and have provided confirmation that the historic wall will remain in its original location and has provided some landscaping details.
- 6.2.8 The tree officer has acknowledged that although the landscaping scheme has not been provided to the standard requested additional details do indicate the quantity, type and location of the proposed tree planting which is to an acceptable level. A pre-commencement condition is proposed to secure landscaping details which will overcome these concerns.
- 6.2.9 The Conservation Officer has also reviewed the amended plans and additional information and consider that the revisions have addressed the concerns raised and the Conservation Officer now consider the scheme to be acceptable. The Conservation Officer would, however, wish to note that the use of Laurel hedging to subdivide the plots will appear too domestic in character within the setting of farm building conversions. The Conservation Officer would suggest a native mix would be more appropriate, and therefore a landscaping condition will need to be attached to any consent issued to ensure the details are appropriate (this should be pre-commencement).
- 6.2.10 As the building subject to this application is a non-designated heritage asset it is considered that permitted development rights should be removed in order to preserve the historic asset.
- 6.2.11 In light of the above and subject to the proposed conditions being attached to any grant of planning permission the proposed development is considered to comply with relevant planning policies.
- 6.3 Other
- 6.3.1 The Highways authority have been consulted on the proposed development and have raised no objection in relation to highway safety subject to the inclusion of

appropriately worded conditions and informative notes being attached to any grant of permission. The Highways officer has requested a condition to ensure the access, parking and turning areas are satisfactorily completed in the interest of highway safety, a vehicular closure of access to limit the number of accesses onto the highway, and a passing places condition to ensure the layout and construction of the passing opportunities are carried out in the interest of highways safety.

- 6.3.2 The SC Ecologist has been consulted on the proposed development and have raised no objection in relation to biodiversity and protected species subject to the inclusion of appropriately worded conditions and informative notes being attached to any grant of permission. The Ecologist has requested a condition to secure bat and bird boxes to be erected to ensure the provision of roosting and nesting opportunities, a lighting plan condition to ensure that the disturbance to bats is minimised, and a condition to ensure that the development is undertaken in accordance with the method statement to ensure the protection and enhancement for bats.

7.0 CONCLUSION

- 7.1 In light of the above and all the material considerations it is considered that the proposed development complies with relevant planning policies subject to the inclusion of appropriately worded conditions and informative notes as set out in appendix one attached to this report.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

22/00457/FUL - Conversion of a range of traditional outbuildings into 3No. residential units to include associated hardstanding, curtilage, access connection to required services to include a foul system, soakaway and oil tank - WDN 4th May 2022

PREAPP/22/00398 Conversion of traditional outbuildings at Ladyhill Farm to provide 2 residential units with associated drainage, services, access and garaging - PREAMD 31st August 2022

22/05620/FUL - Conversion of a range of traditional outbuildings into 2No. residential units to include associated hardstanding, curtilage, access connection to required services to include a foul system, soakaway and oil tank - PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RMVSOITD0BN00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Member

Cllr Steve Charmley

Appendices APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

4. No development shall take place until a scheme for the formalising the layout and construction of passing opportunities numbered 2 and 4 in the supporting statement TN01- Access and Trip Assessment 26.04.2022 submitted under reference PREAPP/22/00398 has been submitted to and approved by the Local Planning Authority; and the development hereby permitted shall not be occupied until the works have been carried out strictly in accordance with the approved details.

Reason: In the interests of highway safety.

5. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

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

6. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirtings, panelling, door and window linings and shall not cut through such features.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

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

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

8. Before any pointing or repointing commence, the areas for pointing or repointing of stonework shall be agreed on site with the Local Planning Authority. The maximum of sound original pointing is to be retained. Mortar for pointing shall be a lime mortar which matches the original in colour, texture and surface finish unless otherwise agreed by the Local Planning Authority. An unobtrusive sample of pointing shall be carried out and approved in writing by the Local Planning Authority before commencement of the relevant works. Old mortar shall not be cut out or removed by mechanical means Reason: To ensure the satisfactory preservation of the Heritage Asset.

9. No pointing or re-pointing of existing or proposed masonry shall commence until the Local Planning Authority has approved the following items in writing:

- a drawing showing the proposed area(s) of repointing
- the mortar mix
- the method of removing existing mortar, please note that old mortar shall not be removed using any mechanical tool or angle grinder.
- an inconspicuous pointing sample provided on site following approval of the above items

Reason: To safeguard the historic interest and character of the Heritage Asset and ensure an appropriate external appearance.

10. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

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

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

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

12. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

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

13. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Proposed Site Plan Drawing No. SHA101/01 Rev F prior to the dwellings being occupied.

The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

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

14. Vehicular access to the adjoining highway shall be limited to the existing western access shown on the Proposed Site Plan Drawing no. SHA101/01 Rev F. The existing access shall be permanently stopped up to vehicular traffic, in accordance with details to be agreed in writing with the Local Planning Authority before the dwellings are first occupied.

Reason: To limit the number of accesses onto the highway in the interests of highway safety.

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

15. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats and birds as provided in Section 6.3.2 and 6.4.2 of the Ecological Appraisal (Greenscape Environmental, September 2021).

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

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

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts 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.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, AA, B, C, D, E, G, H; shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

Informatives

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

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

3. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

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

from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

5. A sustainable scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils SuDS Handbook which is available in the Related Documents Section on the Councils Website:

<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook.

Shropshire Council will not permit new connections to the Highway Drainage network.

Where a proposed surface water attenuation feature serves multiple properties, this feature should not be constructed within a private property boundary and be located in areas of public open space or shared access to allow future maintenance

6. Bats informative

All bat species found in the U.K. are protected under the 2017 Conservation of Habitats and Species Regulations (as amended) and the 1981 Wildlife and Countryside Act (as amended). 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.

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.

Any chemical treatment of timbers should not take place between the beginning of October and the end of March and no pointing or repairs of any gaps or crevices which cannot be easily seen to be empty should take place between the beginning of October and the first week in April, to minimise the possibility of incarcerating bats.

If timber treatment is being used then the Natural England's Technical Information Note 092: Bats and timber treatment products (2nd edition) should be consulted and a suitable bat safe product should be used (see <http://webarchive.nationalarchives.gov.uk/20160913000001/http://publications.naturalengland.org.uk/publication/31005>).

Breathable roofing membranes (also called non-woven textiles) should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional 1F bitumen felt that is of hessian matrix construction should be chosen instead (BCT, 2020).

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 and conversion work in buildings (or other suitable nesting habitat) should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

General site informative for wildlife protection

The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. 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 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.

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

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

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

Please contact me, or one of the other Ecology team members, if you have any queries on the above.

Demi Cook
Planning Ecologist
Shropshire Council
Tel: 01743 254316
Email: demi.cook@shropshire.gov.uk

7. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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

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

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

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, to ensure that all visibility splays, accesses, junctions, pedestrian crossings, and all trafficked areas of highway (i.e., footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

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



<u>Committee and date</u>
Northern Planning Committee
2 nd May 2023

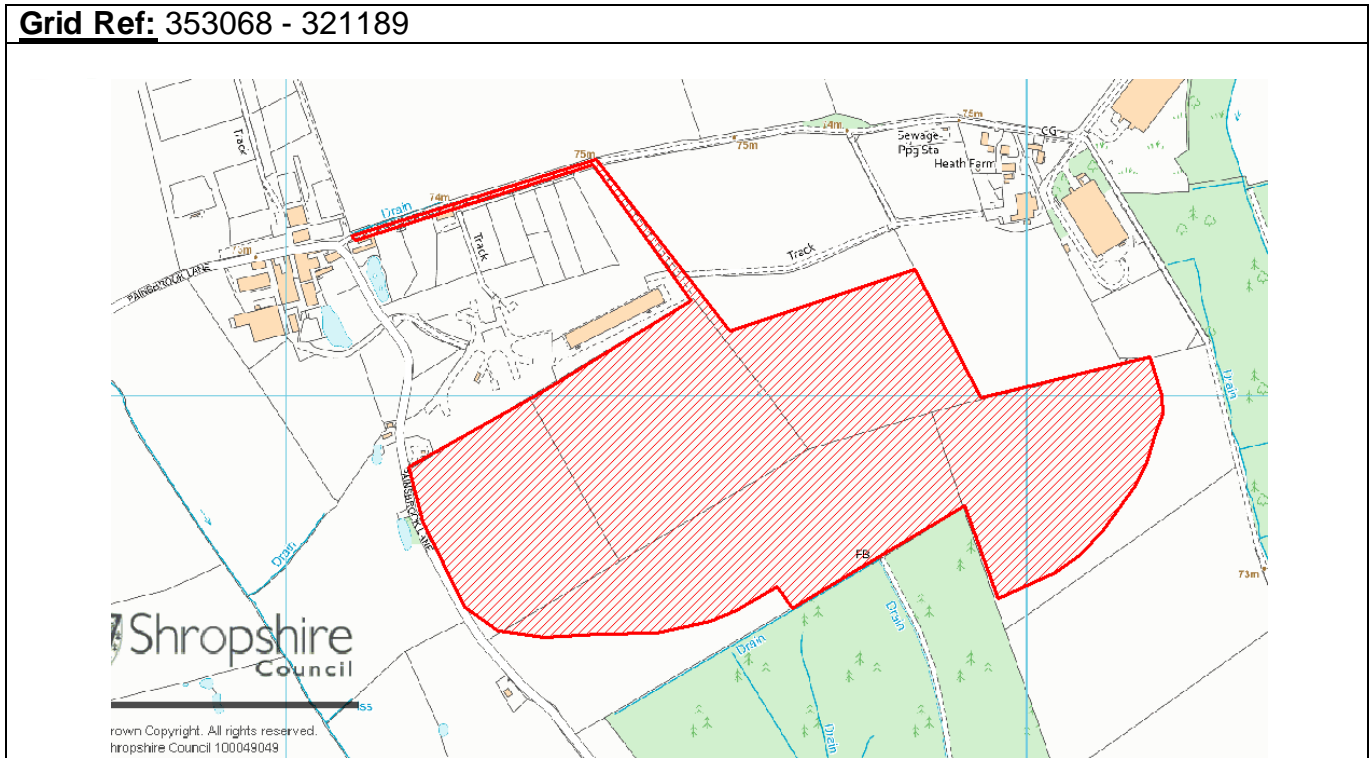
Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/03828/EIA	<u>Parish:</u>	Hadnall
<u>Proposal:</u> Construction of two free range poultry houses with feed bins and ancillary equipment		
<u>Site Address:</u> Painsbrook Farm Painsbrook Lane Hadnall Shrewsbury Shropshire		
<u>Applicant:</u> Mr Brisbourne		
<u>Case Officer:</u> Philip Mullineux	<u>email:</u> philip.mullineux@shropshire.gov.uk	

Grid Ref: 353068 - 321189



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Recommendation: Once the EIA advertising date has expired and on receipt of no adverse comments in the consideration of Officers, in consultation with the Chair of Committee, (EIA advertising date has not yet expired), that the application is

approved subject to the conditions as set out in appendix 1 attached to the report and any amendments to these conditions as considered necessary by the Service Manager.

Update report.

Members will recall this application was presented to Committee at the last meeting held on April 4th 2023, at which members resolved to defer the application in order to allow the applicant the opportunity to provide sufficient information in relation to manure management and its disposal.

The applicant has submitted further information in the form of a Manure dust and odour management plan, a letter from Gamber Logistics Ltd and a letter from Lea Hall Energy, Lea Hall Farm, Lea Cross, Shrewsbury.

The Manure dust and odour management plan indicates that whilst it would be helpful from a sustainability perspective for the manure to be used locally by farmers as a fertiliser, the applicant sees the benefit of it being taken further away so there are no effects upon local ecological receptors. The manure will not be used locally, so there is no risk to ecological receptors identified in the Environmental Statement. The management plan further states that the applicant has secured a written agreement with Lea Hall Energy at Lea Cross Near Pontesbury to take the manure to its digester. The applicant also has a written agreement with Gamber Logistics who manage and process poultry litter from over 200 farms and use it in a network of anaerobic digestors and that Gamber comply with all the relevant legislation.

The letter from Gamber Logistics indicates that they are prepared to purchase the additional poultry manure produced from the proposed new development and it will go to an AD plant licensed by the Environment Agency to take poultry manure. (This is based in Herefordshire).

The letter from Lea Hall Energy confirms agreement for the manure generated on site to be supplied to the onsite Lea Hall Energy Anaerobic digester. Transport will be via sheeted vehicles and movement will be as soon as a on-site trailer is full. Storage of the manure will be at the site of the digester where it will be fed into the digester which generates electricity and heat. A record will be kept of the dates and number of loads. The letter confirms the digester has an Environmental Permit.

Officers consider manure taken to the AD site at Lea Hall Energy, to be acceptable with no adverse impacts on the environment, as a consequence.

Manure taken to Gamber Logistics is not so clear as early information from the applicants confirmed it could be put into an AD plant or spread on fields on farms as an organic fertiliser.

The manure is a by-product of the proposed operation and any environmental impacts of its storage, management and spreading would be an indirect effect which would need to be assessed as part of the EIA. The manure dust and odour management plan indicates as the manure will not be spread on land in the locality where the application site is located there will be no environmental impacts on the locality, however if manure is to be spread elsewhere, its impacts need to be assessed as it is not considered acceptable just to simply move a potential problem from one location to another without adequate assessment.

It is considered transportation and processing of the manure at the AD plant at Lea Hall Energy is acceptable, and all relevant consultees have confirmed no objections to this and this includes SC Ecology, Regulatory Services and Highways. (Transportation of the manure to Lea Hall AD plant).

In consideration of the above, it is recommended that if members are mindful to support the application that a condition is attached to any approval notice issued that all manure generated on site is taken to the AD plant at Lea Hall Energy. The applicant via his agent has confirmed agreement to this.

Another issue in relation to deferral of the application at last month's Committee was in relation to drainage clarification. Discussions with the Council's drainage team have confirmed that this matter can be addressed via the attachment of a drainage condition to any approval notice subsequently issued.

Conclusion

It is considered that both reasons that resulted in the application being deterred at last month's Committee meeting have now been adequately addressed as set out above subject to conditions as discussed above and these are now considered to comply with Environmental Impact Assessment Regulations.

As such it is considered that the application now overall complies with EIA Regulations 2017 and Policies CS5, CS6, CS17 and CS18 of the Shropshire Core Strategy, Policies MD2, MD7b, MD12 and MD13 of the SAMDev, the National Planning Policy Framework and the Town and County Planning (Environmental Impact Assessment), Regulations 2017.

The recommendation is that once the EIA advertising date has expired and on receipt of no adverse comments in the consideration of Officers, in consultation with the Chair of Committee, (EIA advertising date has not yet expired), that the application is approved subject to the conditions as set out in appendix 1 attached to the report and any amendments to these conditions as considered necessary by the Service Manager.

Committee report – April 4th 2023.

Recommendation: Refusal. The application falls short of the requirements of EIA Regulations 2017 in that it has potential to have significant potential direct and indirect adverse impacts on the environment, and insufficient information has been provided in relation to manure management and its disposal. This is considered a by-product of the development and as such the Environmental Statement in support of the application does not meet the requirement of EIA regulations. As such it is considered that the proposal does not comply with Policies CS5, CS6, CS17 and CS18 of the Shropshire Core Strategy, Policies MD2 and MD7b of the SAMDev, the National Planning Policy Framework and the Town and County Planning (Environmental Impact Assessment), Regulations 2017.

REPORT**1.0 THE PROPOSAL**

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

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

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

- 1.4 In the Council's pre-application advice dated 19th March 2020 cumulatively with the existing development the proposal was considered to be EIA development and therefore would need an Environmental Statement. . The existing development does not meet the threshold to be (Schedule one 17(a) threshold being 60,000 places for hens). However the new proposal for a total of 64,000 extra birds meets

the threshold in Schedule 1 - 17(a) being in itself a proposal of more than 60,000 birds. In assessing the environmental effects of the development it is necessary to consider the cumulative impact of the development as a whole.

- 1.5 The Environmental Statement submitted in support of the application indicates that the development as proposed is for two new buildings each measuring 120m long x 20m. Height to the ridge level will be 6 metres. The maximum capacity of the proposed new sheds will be 64,000 birds on completion. (32,000 in each of the two proposed chicken units). The laying cycle will be 14 months, plus a turnaround period for de-stocking and cleaning etc. of 14 – 21 days.
- 1.6 Planning approval was granted on 18th March 2019 for 'Erection of free range poultry laying unit (32,000 birds) with 3No. feed bins and ancillary equipment; alterations to existing access' on land close to the application site and this egg laying unit is part of the same agricultural business. (Approval reference 18/04465/FUL).
- 1.7 There were two previous applications on site: (reference 21/03061/FUL), for the erection of two free range poultry houses with feed bins and ancillary equipment *was withdrawn on 22nd September 2021 on Officer advice as the application was considered deficient in information provided and also referred to the incorrect Environmental Impact Assessment Regulations.* The second one (reference 21/05985/EIA was refused on 1st April 2022 owing to insufficient information in support of the application on which basis to make a positive recommendation.
- 1.8 During the current application processing confirmation was submitted that the applicant intends installing air scrubbers on each of the proposed chicken sheds as well as one on the existing shed alongside the site. Each new unit to be supplied with four roof-mounted fans therefore 12 fans in total. Three new air scrubbers (1 to each unit (including 1 for the existing unit). Each air scrubber will have 9 exhaust fans (27 in total)

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is relatively flat and in agricultural use and covers an area of approx.0.95 hectares in accordance with detail as set out on the application form, it classed as Grade 2 land in accordance with the agricultural land classification index and current in either arable use or as ranging in relation to an adjacent unit which will form part of the larger poultry enterprise site to the business concerned, if this application is subsequently approved. The site is situated approx 400 metres south east of Painsbrook Farmstead, being around 1.5km north of the village of Hadnall. There are mature hedgerow boundaries within the vicinity of the application site. Adjacent to the proposed development site is an existing intensive egg laying unit and this is similar in scale and size to the two proposed individual units subject to this application.
- 2.2 Detail as part of the Environmental Statement in support of the application indicates that the construction materials proposed will consist of a steel framed fully insulated building clad externally with profiled steel sheeting coloured by agreement with the Local Authority. The applicant proposes slate blue cladding for the roof, walls and feed bins. An integral part of the design of the development is an effective and appropriate landscaping scheme. The proposed features will screen the development over time, provide additional landscape features which are sympathetic to the local landscape character and provide additional habitat. It is considered the existing mature native species hedgerows around the field

boundaries around the proposed buildings will assist assimilation of the development into the landscape. The applicants will let those hedgerows grow taller. Clean run-off water will be collected via drains to a large french drainage field. It will then percolate into the free draining soil. The drains work very well and can accommodate the proposed buildings. Feed will be stored in steel bins, which will be sited as shown on the Site Layout Plan. Sufficient bins are needed to ensure adequate supply in the event that bad weather prevents deliveries.

- 2.3 The Environmental Statement in support of the application indicates that the size of the new buildings will be 120metre long x 20metres. Height to the ridge level will be 6 metres. The maximum capacity of the proposed sheds will be 64,000 birds on completion. The laying cycle will be 14 months, plus a turnaround period for de-stocking and cleaning etc. of 14 – 21 days.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

- 4.1 **Hadnall Parish Council** have responded indicating support for the application.

4.2 Consultee Comment

- 4.3 **The MOD** have responded indicating:

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development with additional ranging plan and revised information, which was received by this office on 18th January 2023.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

This is an EIA screening report for the construction of two free range poultry houses approx. 6.2m in height with feed bins and ancillary equipment.

The application site occupies the statutory safeguarding zones surrounding RAF Shawbury. In particular, the aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodrome and is approx. 400m from the boundary of RAF Shawbury

After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed in the developer's documents titled 'Ranging Plan', 'Revised Noise Impact Assessment' dated December 2022. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

4.4 **SC Conservation** have responded indicating:

We have no further comments to make in relation to conservation matters (No objections).

4.5 **SC Drainage** have responded indicating:

The revised block plans do not affect the drainage proposals or our comments dated 7th December 2022 for which we await further details.

An earlier response indicated:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Councils Development Management Team.

Condition:

No development shall take place until a scheme of surface and polluted 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 brought into use.

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

Comment:

The drainage proposals as outlined in the Environmental Statement are generally acceptable. However the completed Surface Water Drainage Proforma suggests that details of how to control the 1% plus CC storm flows are included in the FRA and that other construction details will be dealt with as part of a further application. Infiltration tests and the sizing of the soakaway trenches in accordance with BRE 365 must be submitted for approval together with a detailed drawing showing the control of the dirty water. No specific details are included in the FRA or the Environmental Statement but can be dealt with as part of the above planning condition

An earlier response indicated:

1. The Flood Risk Assessment proposes the use of soakaways to drain the proposed development. Although the outline SUDs applicability zone of the site according to Shropshire Council's records is infiltration, full infiltration tests data and associated calculations must accompany the BRE 365 soakaway design calculations.

2. To fully develop the surface and foul water designs to satisfy the LLFA's requirements, reference should be made to Shropshire Council's SuDS Handbook which can be found on the website at <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The Appendix A1 - Surface Water Drainage Proforma for Major Developments must also be completed and submitted with the application

4.6 **SC Trees** have responded indicating:

As no trees or hedges are directly affected a Tree Report is not required. I have no arboricultural comments and defer to SC Ecology and Landscape Consultant on these matters.

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

Other than the omission of the approach to cumulative landscape and visual effects, the methodology for the LVIA is appropriate for the nature of the proposed development and scale of likely effects, and has been prepared in compliance with GLVIA3 and relevant supporting Technical Guidance. We consider that the findings may be relied on to make a sound planning judgement.

All predicted effects are adverse or no change, apart from one predicted beneficial effect on the landscape fabric of the site once mitigation is in place and effective. Significant adverse effects are predicted on the landscape character of the site during the operational phase of the proposed development.

The proposal site has the potential to accommodate a development of this nature given the vegetation in the vicinity which act to limit visibility to the majority of visual receptors away from the immediate vicinity of the site, and the baseline presence of the existing poultry unit. Mitigation measures have the potential to reduce the level of adverse effects and provide beneficial landscape and biodiversity effects. We consider that, although long term adverse effects are predicted, these are not at an unacceptable level and should not prevent the proposals from complying with the Council's Local Plan policies on landscape and visual amenity, particularly given the presence of existing poultry units.

We recommend that, should the application be approved, a condition be imposed requiring the submission of full landscape details and a maintenance and management plan, with suggested wording as follows:

- No development shall take place until a detailed hard and soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include: Plant species, sizes, numbers and densities, method of cultivation and planting, means of protection and programme for implementation. This is for all grassed areas, tree, shrub, and hedgerow planting
- No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow

plants) that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation

4.8 **SC Ecology** have responded indicating:

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

COMMENTS

Since my previous comments of 20 December 2022, revised drawings have been submitted showing scrubbing units fitted to each of the two new buildings and one added to the existing poultry unit. There is also now a holding water tank shown for the existing building scrubber, which would be shared with one of the proposed buildings.

With regards to ranging areas, the ammonia and odour report have been amended to show ranging areas in accordance with where the pop holes are to be located.

Ammonia emissions and nitrogen deposition upon sensitive sites has been assessed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Free Range Egg Laying Chicken Houses and the Impact of Proposed Mitigation Measures at Painsbrook Farm, Painsbrook Lane, near Hadnall in Shropshire' by AS Modelling & Data, dated 27th July 2022 (submitted 23 January 2023).

The following BAT* measures are proposed:

- Ammonia scrubber retro-fitted to the existing free range egg building at Painsbrook Farm
- Ammonia scrubbers fitted on the two proposed free range egg buildings at Painsbrook Farm

*BAT = Best Available Techniques

Information from the air quality report regarding existing and proposed ammonia emissions and nitrogen deposition upon designated sites is shown below.

HENCOTT POOL RAMSAR/SSSI

Existing Process Contribution % of Critical Level: 0.12%

Proposed* Process Contribution % of Critical Level: 0.19%

Difference in Critical Level between existing and proposed: 0.0007 ug/m³

Existing Process Contribution % of Critical Load: 0.1%

Proposed* Process Contribution % of Critical Load: 0.15%

Difference in Critical Load between existing and proposed: 0.005 kg/ha

FENEMERE RAMSAR/SSSI

Existing Process Contribution % of Critical Level: 0.04%

Proposed* Process Contribution % of Critical Level: 0.05%

Difference in Critical Level between existing and proposed: 0.00036 ug/m3

Existing Process Contribution % of Critical Load: 0.09%

Proposed* Process Contribution % of Critical Load: 0.12%

Difference in Critical Load between existing and proposed: 0.003 kg/ha

* proposed scenario with emission factors for the existing and proposed poultry units with ammonia scrubbers fitted.

The modelling shows that the proposal will result in small increases in the existing ammonia and nitrogen process contributions at the above designated sites, however, these increases are below all the JNCC de minimus thresholds, therefore they are deemed to be so small as to be insignificant, and do not require to be assessed in-combination with any other projects emitting ammonia or depositing nitrogen.

Landscaping includes additional native tree and species-rich native hedgerow planting which is welcomed. The Landscape and Biodiversity Enhancement and Management Proposals report by H:B:A Environment dated November 2021 and Drawing no. HBA 01 should be read in conjunction with each other and be approved documents.

Recommendations contained within the EclA by Churton Ecology dated 9 May 2021 regarding the fencing of hedgerows (a priority UK habitat) are not shown on any plans and therefore a condition is recommended to ensure appropriate fencing is erected in accordance to protect these important features.

RECOMMENDED CONDITIONS

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

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

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

Reason: To prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of

Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) shall be submitted to the LPA to confirm that the air scrubbers detailed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Free Range Egg Laying Chicken Houses and the Impact of Proposed Mitigation Measures at Painsbrook Farm, Painsbrook Lane, near Hadnall in Shropshire' by AS Modelling & Data, dated 27th July 2022 (submitted 23 January 2023), the 'Environmental Statement' by Halls dated September 2022 and shown on drawing number HPJ10707-202 Rev. D have been installed and are fit for purpose. The air scrubbers shall be maintained and operated thereafter, in accordance with the manufacturer's instruction for the lifetime of the development.

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

The poultry laying units hereby approved shall be limited to occupation by 64,000 birds.

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

Prior to first use of the development, a plan showing the location, extent and specification for fencing of hedgerows as detailed in section 5.1.1 of the Ecological Impact Assessment by Churton Ecology dated 9 May 2021 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

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

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests

should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

4.9 **SC Archaeology Manager** has responded indicating;

We have no comments to make on this application with respect to archaeological matters

4.10 **SC Highways** have responded to the application indicating:

No objection – subject to the development being constructed in accordance with the approved details and the following conditions and informative notes.

Conditions:

Passing Place

No development shall take place until the passing place as detailed on Passing Bay Information Drawing no. HPJ10707-206 has been fully implemented and completed in accordance with the approved details and thereafter be kept clear and maintained at all times for that purpose.

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

Access, Parking, Loading, Unloading and Turning

The development hereby permitted shall not be brought into use until the areas shown on the approved Site Plan Drawing No. HPJ10707-202 Rev B for the access parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

Observations/Comments:

Further to the Highway Advice Note dated 07.11.2022, additional and revised details have been published. The highway matters previously raised in terms of the traffic information and passing bay details have now been forwarded.

The additional poultry houses will result in an increase in vehicular traffic to the site mainly HGV, tractor and trailer movements in connection with manure removal, additional feed deliveries and bird collection at the end of the 14 month cycle. It is considered that the increase in traffic is unlikely to result in such adverse conditions in capacity terms to sustain a highway objection purely on safety. The collection of the birds however results in a tidal flow of HGV traffic whilst the increased manure removal and feed delivery movements further increases the potential of vehicles meeting one another along the lane.

In connection with the earlier application priority was given to providing a passing place within the initial section of the lane just to the east of its junction with the A49. The current application has proposed a further passing place to help mitigate against inconvenience of traffic meeting one another. The proposed additional passing bay to the east of the 'double bend' should elevate the need for an HGV to reverse back at this point and further aid movement along the lane both in connection with the proposed development and for all road users.

Based upon the information contained within the submitted information and proposed highway works it is considered that, subject to the conditions listed above being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

The proposed passing bay works will however need to be covered by an appropriate highways agreement/license with Shropshire Council as the Highway Authority and attention is drawn to the following informative notes.

Informative notes:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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

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

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

Mud on highway

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

An earlier response indicated:

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

- Transport Statement. Information should be forwarded in respect of all vehicular trips and types generated by the current poultry building and users of Painsbrook Lane, updated from the earlier development. The number of anticipated trips and types as a result of the proposed development. The distribution pattern for the vehicular movements identified by the statement, describing peak flows and the cyclical nature of the operation.
- It would seem that further consideration has been given to increasing the number of passing places along the lane by improving an existing opportunity to the east of the tight bends. The information given on the current drawing no. HPJ10707-205 Rev A appears to attempt to replicate the earlier approved drawing no. HP-J996_006 Rev B (19/01978/DIS) in discharging condition 4 of consent 18/04465/FUL. The overall width of the carriageway (existing carriageway and widening) should be a minimum of 6 metres and the construction information appears to have been truncated with no information given in terms of the tie-in or drainage of the passing place.

Informative notes:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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

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

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

Mud on highway

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

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway.

- 4.11 No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway. **Shropshire Fire and Rescue Service** have responded indicating:

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>

- 4.12 **SC Public Protection** have responded indicating:

Environmental Protection has reviewed the additional technical note on noise and has the following comments:

The cumulative impact of the additional plant (air scrubbers) has been assessed and indicates that the plant noise associated with the proposal is not likely to have a significant noise impact on surrounding properties.

Predicted L_{Amax} levels associated with night time HGV movements passing residential properties on the access route, have not been provided in the technical note. In the absence of this it is fair to assume that the noise levels and the frequency of movements during bird removal would be such that it is likely to cause sleep disturbance even with windows shut. Where internal L_AF_{max} levels exceed 45dB more than 10 times a night this is likely to cause sleep disturbance. The existing sheds result in 6 HGV pass by's each night during bird removal whereas the additional sheds will result in 18 HGV pass by's each night.

Therefore on the nights when the birds are being removed it is likely to result in sleep disturbance at the properties close to the access route, nonetheless, as the technical note highlights this will only occur on 2 nights every 14 months (assuming all sheds are in sync and cleared at the same time). Whilst the impact is infrequent it is something the planning officer should be aware of when considering any cumulative impacts and determining the application

An earlier response indicated:

Environmental Protection has reviewed the noise and odour reports and has the following comments: Noise The cumulative impact of all the fans running at the same time needs to be assessed. Please could the noise consultant confirm whether the calculated specific level detailed in Table 8 relates to the cumulative impact of all fans running at the same time. During bird removal there will be 18 HGVs equating to 36 vehicle movements spread over 2 nights. The noise assessment report has assessed the noise impact from vehicles within the proposed development site but has not considered the noise impact as the HGVs pass residential properties on the way into the site. When these vehicles access and leave the site via Painsbrook Lane they will pass within approximately 10m of two residential properties. The noise levels of HGVs passing these properties has not been considered, in particular the L_{Amax} levels which have potential to cause sleep disturbance. Odour Manure management Previous appeals found that

moving the spreading of manure to a third party for spreading would be considered to be an indirect impact of a poultry application requiring consideration by the planning regime. Hence I would recommend that an appropriate manure management plan is required or an agreement that the applicant will only provide manure to those that agree with the applicant to spread manure in line with the DEFRA Code of Good Agricultural Practise Protecting our Soil, Water and Air. It would be advised that this aspect should be conditioned to ensure that the planning regime offers reasonable security of this aspect having a low impact. Environmental Permit The proposal is for two sheds housing 64,000 birds in addition to the existing 32,000 bird unit approved in 2019. As such the development will require an environmental permit issued and regulated by the Environment Agency prior to operation. It is advised that the Environment Agency is consulted on this application and the applicant is recommended to place an application for the environmental permit in tandem with this planning application in order to ensure that both control regimes are aligned and that any conditions placed on each do not conflict with the other causing further application to be made which are likely to cost the applicant time and money

4.13 **Public Comments**

4.14 Three letters of objections have been received from members of the public. key planning issues raised can be summarised as follows:

- Concerns with regards to waste generated on site and its disposal.
- Odour from the existing site is a concern.
- Public highway access road to the site is badly maintained.
- Manure storage and spreading. .

5.0 **THE MAIN ISSUES**

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

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to achieving sustainable development and establishes a presumption in favour of sustainable development (para. 7). One of its core planning principles is to proactively drive and support sustainable economic development. Sustainable development has three dimensions – social, environment, and economic. The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprises, in rural areas, and promotes the development of agricultural businesses (para. 84). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 174) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 185).

- 6.1.2 Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74).
- 6.1.3 Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.
- 6.1.4 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of an extension to the existing farming business egg laying unit can be given planning consideration in support. Policies recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets.
- 6.1.5 **Environmental Impact Assessment**
- 6.1.6 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of egg laying birds is 60,000 or more. As such the current proposal is classed as schedule 1: 17(a) EIA development. (60,000 places for hens). An adequate Environmental statement in support of such an application is therefore essential. Whilst the proposal also falls into the remit of Schedule 2 EIA Development criteria (Schedule 2 1(c) – Agriculture and aquaculture and intensive livestock installations, as area of floor space exceeds 500 square metres). The fact that the number of birds on site is to be 64,000 means that Schedule 1 development procedure prevails. This is also irrespective of the existing birds in the existing building adjacent to the site and pre-application advice in relation to the proposal for development on site which was in relation to 24,000 birds in each shed. (48,000).
- 6.1.7 It is noted detail as set out in the applicants Environmental Statement submitted in support of the application refers to the statement having been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (hereafter referred to as the Regulations).
- 6.2 **Siting, scale, landscape and historic impacts.**
- 6.2.1 Paragraph 195 of the NPPF indicates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17 and with national policies and guidance including PPS5 Historic

Environment Planning Practice Guide and section 16 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

- 6.2.2 As indicated in paragraph 2.3 above the size of the two new poultry housing buildings will be 120 metre long x 20 metres. Height to the ridge level will be 6 metres. The construction materials proposed will consist of a steel framed fully insulated building clad externally with profiled steel, to which detail in the applicants Environmental Statement indicates that external construction sheeting will be coloured by agreement with the Local Authority. The applicant has indicated a preference for slate blue cladding for the roof, walls and feed bins. This is considered acceptable and if the Council are mindful to approve the application it is considered necessary to attach a condition to any approval notice to reflect this.
- 6.2.3 It is noted in relation to the historic environment, the Council's Conservation Manager raises no objections as it is considered the proposal will not have any detrimental impact on the surrounding historic environment. These conclusions are shared and with adequate consideration to landscape and visual impact matters, impacts on the historic built environment it is considered will be acceptable.
- 6.2.4 As part of the Environmental Statement a landscape and visual impact assessment has been submitted and this concludes that there would be a significant adverse effect on the character of the site landscape during the operational phase of the proposed development due to the presence of poultry units 2 and 3. However, there would not be any significant adverse effects on the landscape fabric of the site, on the character of the surrounding landscapes or on the visual amenity of receptors in the study area during the construction and operational phases of the proposed development due to the degree of screening provided by the abundance of existing vegetation on and around the site and the separation distances between the proposed development and the residential properties, public rights of way, visitor venues and roads in the study area. Furthermore, as the woodland, hedgerow and tree planting proposed in the landscape and biodiversity enhancement and management plan establishes, this would bring about long-term beneficial effects on the character of the site and surrounding landscapes which would help to offset the predicted significant effects on the character of the site landscape during the operational phase.
- 6.2.5 The Council's Landscape Consultant has responded to the application indicating that they consider the applicants Landscape and Visual Impact Assessment can be relied upon to make a sound planning judgement. Whilst it is considered all predicted effects are adverse or no change, apart from one predicted beneficial effect on the landscape fabric of the site once mitigation is in place and effective. Significant adverse effects are predicted on the landscape character of the site during the operational phase of the proposed development, however it is considered that the proposal site has the potential to accommodate a development of this nature given the vegetation in the vicinity which will act to limit visibility to the majority of visual receptors away from the immediate vicinity of the site, and the baseline presence of the existing poultry unit. Mitigation measures do have the potential to reduce the level of adverse effects and provide beneficial landscape and biodiversity effects. It is considered that, although long term adverse effects

are predicted, these are not at an unacceptable level given the rural location and surrounding topography and should not prevent the proposals from complying with the Council's Local Plan policies on landscape and visual amenity, consideration has been given to the presence of the existing poultry units.

- 6.2.6 As such on balance with appropriately worded conditions in respect of external construction colouring, landscaping in relation to the whole of the site and a landscape maintenance scheme attached to any approval notice, if the Council are mindful to approve the application, in relation to scale, landscape and visual impact and the historic environment, the application is considered acceptable and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD12 and MD13 of the SAMDev and the National Planning Policy Framework on these matters.

6.3 **Drainage**

- 6.3.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. It is noted that the application site is in flood zone 1 in accordance with the EA flood risk data maps. (lowest risk),
- 6.3.2 A flood risk assessment forms part of the applicants Environmental Statement in support of the application and this indicates that the whole of the site falls within Flood Zone 1 for rivers and has only small pockets of potential standing water from surface water run-off and subject to satisfactory surface water drainage to the site proposals there will be no flood risk to the site or any other properties. Appropriately designed soakaways will be used for the building as suitable porosity is available. The soakaways will be stone trench with one provided for each quarter or the proposed poultry unit. The soakaways will be stone trench with 30% voids. All exceedance flows and flows for the 1 in 100-year event will dissipate to land surrounding the poultry unit and within the applicant's lands. The ground has suitable porosity and as such exceedance flows will dissipate to ground. Following the construction of the development and installation of the soakaways there will be no residual flood risks with the site or any property beyond. The drainage proposals are appropriate for the development and sufficient land will allow exceedance flows to flow away from the units and drain to farmland.
- 6.3.3 The Council's Drainage Manager has responded to the application raising some concerns, however indicating in principle with an appropriately worded condition in relation to a scheme of surface and polluted water drainage attached to any approval notice that the development is acceptable. The response indicates that the drainage proposals as outlined in the Environmental Statement are generally acceptable. However the completed Surface Water Drainage Proforma suggests that details of how to control the 1% plus CC storm flows are included in the flood risk assessment and that other construction details will be dealt with as part of a further application. Infiltration tests and the sizing of the soakaway trenches in accordance with BRE 365 must be submitted for approval together with a detailed drawing showing the control of the dirty water. No specific details are included, the FRA or the Environmental Statement but can be dealt with as part of the above referred to planning condition.
- 6.3.4 On balance with consideration to overall detail in support of the application on drainage matters and site observations, it is considered that with an appropriately worded condition that the development could be acceptable and in accordance

with Policies CS6 and CS18 of the Shropshire Core Strategy, Policy MD2 of the SAMDev and the NPPF on drainage matters.

6.4 Public highways and transportation

6.4.1 The applicants Environmental Statement includes a section on transportation and vehicle movements in relation to the site. The following table is taken from the environmental statement and refers to all vehicle movements in relation to the egg laying business as existing and proposed.

Proposed vehicle movements in relation to the existing and proposed.

Purpose of Movement	Vehicle	Frequency with one shed	Frequency with three sheds.	Extra movements
Feed delivery	HGV	1 in and out per week (52 per year)	3 in and out per week (156 per year)	2 in per week 2 out per week
Egg Collection	Artic/HGV	Every 3 days (104 per year)	No change (104 per year)	none
Staff	Car	1 in and out per day (365 per year)	2 in, 2 out per day (730 per year)	1 extra per day
Manure removal	Tractor and trailer	2 loads per week (104 per year)	6 loads per week (312 per year)	4 loads per week in and out
Bird removal	HGV	6 artics every 14 months (5.14 per year)	18 artics every 14 months (15 per year)	0.14 per week
TOTAL		630 in per year 630 out per year 12.11 Per Week	1317 in per year 1317 out per year 25.33 in and out Per Week	687 in per year 13.21 in per week

The applicants transportation statement indicates that the current total number of vehicle movements relating to the poultry enterprise per year is 630 out of 13,461. The increase in vehicle movements per year due to the expansion in the poultry enterprise is 687 per year in and 687 per year out. The vast majority of vehicles using Painsbrook Lane are cars during normal working hours. HGV usage is very low on a daily basis (0.7 in per day). When Painsbrook had a dairy herd there was a milk tanker every day. Car journeys to Painsbrook are spread throughout the week. Visitors to the farm's stables are very early in the morning and before the riding school opens. The riding school's busiest time is when the farm shop is closed. The increase in car movements along Painsbrook Lane on an annual basis due to the proposed use is 365 in and out (each) being 2.8% which is considered negligible. The increase in Lorry/HGV's number is 111 per year in and out (each), which equates to 0.31 in and 0.31 out per day.

- 6.4.2 Painsbrook Lane which leads to the site from the A49 public highway has had improvements carried out as a result of the previous approval for an egg laying unit which is located alongside the proposed development site.
- 6.4.3 The SC Highways Manager has responded to the application indicating that it is considered that the increase in traffic is unlikely to result in such adverse conditions in capacity terms to sustain a highway objection, purely on safety. The collection of the birds however results in a tidal flow of HGV traffic whilst the increased manure removal and feed delivery movements further increases the potential of vehicles meeting one another along the lane. In connection with the previous approval priority was given to providing a passing place within the initial section of the lane just to the east of its junction with the A49. The current application has proposed a further passing place to help mitigate against inconvenience of traffic meeting one another. The proposed additional passing bay to the east of the 'double bend' should elevate the need for an HGV to reverse back at this point and further aid movement along the lane both in connection with the proposed development and for all road users. Based upon the information contained within the submitted information and proposed highway works it is considered that, subject to conditions with regards to construction of an additional passing place on Painsbrook Lane and on site access, parking, loading, unloading and turning attached to any approval notice subsequently issued that on public highways and transportation the application is acceptable.
- 6.4.4 On public highway and transportation issues the application is considered to comply with the requirements of policy CS6 of the Shropshire Core Strategy and Policy MD2 of the SAMDev and the considerations of the National Planning Policy Framework on this matter,
- 6.5 **Ecology**
- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist and Natural England.
- 6.5.2 The NPPF in paragraph 174 indicates: The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures
- 6.5.3 Paragraph 179 indicates: To minimise impacts on biodiversity and geo-diversity, planning policies should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.
- 6.5.4 The SAMDev Plan policy MD12 states: In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved by:
Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following:

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

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

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

or by re-locating on an alternative site and;

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

6.5.5 In all cases, a hierarchy of mitigation then compensation measures will be sought. The Environmental statement in support of the application includes reference to an ecology assessment which assesses surrounding biodiversity and recommends further enhancements such as native tree and hedgerow plantings.

6.5.6 SC Ecology have responded to the application indicating no objections subject to conditions being attached to any approval notice subsequently issued. The response welcomes the installation on site of air scrubbing units fitted to each of the two new buildings and one added to the existing poultry unit adjacent to the new build site. (To consume, treat and process ammonia released from birds within the buildings, before it escapes into the atmosphere). The response also refers to a holding water tank shown for the existing building scrubber, which would be shared with one of the proposed new buildings. With regards to ranging areas, the ammonia and odour report have been amended to show ranging areas in accordance with where the pop holes are to be located. Ammonia emissions and nitrogen deposition upon sensitive sites has been assessed in a report on the Modelling of the Dispersion and Deposition of Ammonia from the existing and proposed free range egg laying chicken houses and the impact of proposed mitigation measures at Painsbrook Farm, by AS Modelling & Data, dated 27th July 2022 (submitted 23 January 2023). The following BAT measures are proposed: ammonia scrubber retro-fitted to the existing free range egg building at Painsbrook Farm, ammonia scrubbers fitted on the two proposed free range egg buildings at Painsbrook Farm. Landscaping includes additional native tree and species-rich native hedgerow planting which is welcomed. Recommendations contained within the EclA by Churton Ecology dated 9 May 2021 regarding the fencing of hedgerows (a priority UK habitat) are not shown on any plans and therefore the SC Ecology response recommends a condition to be attached to any approval notice subsequently issued in order to ensure appropriate fencing is erected in accordance to protect these necessary and important features. The response from SC Ecology also recommends conditions to any approval notice with regards to installation operation and maintenance of the air scrubbers.

6.5.6 Following Stage 1 screening, Shropshire Council has concluded that the proposed development is likely to cause significant effects on the Midlands Meres and Mosses Phase 1 and 2 Ramsar through the listed pathways detailed in the Habitats Regulations Assessment,(HRA). Shropshire Council Ecology has carried out an

appropriate assessment of the project, considering further information as received. The Assessment concludes that with the imposition of mitigation measures as detailed in this HRA, the proposed works under planning application reference 22/03828/EIA will not adversely affect the integrity of the Midlands Meres and Mosses Phase 1 or 2 Ramsar.

6.5.7 In consideration of the comments received from SC Ecology, detail in relation to ecology and biodiversity matters is considered acceptable as per the above - mentioned discussion with the inclusion of conditions to any approval notice issued, in relation to the air scrubbers and hedgerow fencing as discussed. It is noted that the SC Tree Manager raises no objections. As such the application is considered to comply with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD7b and MD12 of the SAMDev and the NPPF in relation to biodiversity issues.

6.6 **Residential amenity and manure management**

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

6.6.2 The applicants Environmental Statement in support of the application indicates that the nearest dwellings to the proposed two poultry sheds are 144 Painsbrook Lane at 330 metres, (owned by the applicants), Heath Farm, The Heath and The Granary, The Heath, both located some 350 metres from the proposed poultry sheds.

6.6.3 An odour report forms part of the applicants Environmental Statement and this was carried out in accordance with predicted maximum annual 98th percentile hourly mean odour concentrations at the discrete receptors and concluded that odour emission rates from the existing and proposed poultry houses have been assessed and quantified based upon an emissions model that takes into account the likely internal odour concentrations and ventilation rates. The odour emission rates so obtained have then been used as inputs to an atmospheric dispersion model which calculates odour exposure levels in the surrounding area. The modelling predicts that: at all residential receptors considered, odour levels would be below the Environment Agency's benchmark for moderately offensive odours.

6.6.4 Also accompanying the application is an updated noise assessment, this has been produced to update the original noise impact assessment based on updated information to the proposed scheme, in order to address comments raised by the Local Authority. As assessment has been undertaken based on the proposed noise generating components, and this includes reference to the air scrubbers and their associated fans. The results of the assessment show, whilst considering the context of the assessment (as required by BS 4142:2014) it is deemed that the proposed development will not result in an adverse impact at the noise sensitive receptors. In terms of the increase in traffic movements due to the proposed development. An assessment of noise associated with the HGVs along Painsbrook Lane during the bird removal stage is not considered appropriate as bird removal happens over two nights every 14 months, so it is not a regular occurrence and already occurs for the

existing shed. Based on the assessment, it is considered unlikely that the proposed development will result in an adverse noise impact. The applicants noise expert has further clarified that where internal LAFmax levels exceed 45dB more than 10 times a night this is likely to cause sleep disturbance is over-simplistic and if implemented by the Council would shut down the public roads network through much of Shropshire. The issue is much more complicated of course and for this reason the latest (2014) version of British Standard removed 45 dB LAMax as a guideline value for bedrooms at night. The reference to 10 times per night appears to come from the document ProPG which is a non-mandatory guidance document for assessing sites for new housing. This suggested that noise from individual events should not exceed 45 dB LAMax more than 10 times. But this was as a practical guideline for designing new housing where it reasonable to ensure that effects on sleep would be negligible. In planning terms it was set at the Lowest Observed Adverse Effect Level for new buildings. Note Effects on sleep at 45 dB LAMax does not necessarily mean people getting woken up or awakening. Merely that a change in sleep patterns can be observed for participants in lab studies. Generally much higher levels are required to cause awakenings. Furthermore the guideline would apply to regular events rather than one night which occur less than once a year as sleep deprivation is cumulative. The ProPG was not meant to assess the effect of vehicle movements on public roads. Further guidance on max noise levels and sleep was however provided in the Appendix A of the document which quotes from a variety of research papers. For example a study relating to heavy goods vehicles found that: The subjects were exposed to 4, 8, 16 and 64 heavy vehicle pass-bys at both 50 and 60 dB LAMax. The results for the higher (60 dB LAMax) noise level pass-bys showed decreases in the quality of sleep for both 16 and 64 events but there was only a marked deterioration in the reported quality of sleep when subjects were exposed to 64 of the lower noise events (50 dB LAMax). It is accepted that there could be some disturbance but this would be very infrequent and people living close to public roads will obviously be used to some traffic noise.

- 6.6.3 The Council's Regulatory Services in response to the application has indicated that the cumulative impact of the additional plant (air scrubbers) has been assessed and indicates that the plant noise associated with the proposal is not likely to have a significant noise impact on surrounding properties. Predicted LAMax levels associated with night time HGV movements passing residential properties on the access route, have not been provided in the technical note. In the absence of this it is fair to assume that the noise levels and the frequency of movements during bird removal would be such that it is likely to cause sleep disturbance even with windows shut. Where internal LAFmax levels exceed 45dB more than 10 times a night this is likely to cause sleep disturbance. The existing sheds result in 6 HGV pass-bys each night during bird removal whereas the additional sheds will result in 18 HGV pass-bys each night. Therefore on the nights when the birds are being removed it is likely to result in sleep disturbance at the properties close to the access route, nonetheless, as the technical note highlights this will only occur on 2 nights every 14months (assuming all sheds are in sync and cleared at the same time). Whilst the impact is infrequent it is something the planning officer should be aware of when considering any cumulative impacts and determining the application.

- 6.6.4 Based on information submitted by the applicants, the Council's Regulatory Services consider odour on site as acceptable and noise generated by the proposed air scrubbers to be to an acceptable level and therefore these will have no detrimental impact on residential amenity. Whilst there will potentially be an impact from road noise and in particular during the bird removal stage, it is noted this only occurs over two nights every 14 months as outlined in paragraph 6.6.3 above. Feed deliveries can also be potentially a noisy activity whilst the feed is being transferred from the feed lorry into the feed silo. This aspect of the development it is recommended is conditioned so as feed deliveries are only delivered to the site during day time hours.
- 6.6.5 Manure disposal and spreading can also have impacts on amenity. Pre-application advice given by the Council in relation to this proposal referred to the need for adequate consideration to manure management
- 6.6.6 Chapter 9 of the Environmental Statement indicates that manure produced on site will be exported to local arable farms. The manure that will be produced on site is a by-product of the proposed operation and any environmental impacts of its storage, management and spreading are an indirect effect which will need to be assessed as part of the EIA. The applicant will require the recipient to ensure they comply with relevant storage and spreading codes of Good Practise. The farm has a manure store with concrete floor which can be used if necessary to hold manure before it is exported. DEFRA NVZ regulations allow some types of solid manure (including poultry manure) to be stored in temporary field heaps. Temporary storage sites will be compliant with the Codes of Good Agricultural Practice for the Protection of Air, Soil and Water. Records will be kept with details of dates and quantities of manure removed and its destination/recipient.
- 6.6.7 Further information in support of the application indicates that manure generated on site will be transferred to Gamber Logistics Ltd who have agreed to purchase the additional poultry manure from the proposed new development. Detail indicates that Gamber Logistics Ltd handles in excess of 80,000 tonnes of poultry manure each year, covering poultry sites throughout Wales, Central and Southern England. Litter that they handle is sold to farms as a replacement for artificial fertiliser, as a feedstock to anaerobic digesters, processed as part of the mushroom compost production business and that they are also involved in doing trial work with a company, investigating it's use as a fuel for biomass burners producing electricity. The litter is sold by FACTS qualified advisors who are authorised to give nutrient management advise as well as ensuring that all compliance issues associated with organic manures, including, but not limited to CoGAP for Soil, Water and Air are met. Gamber Logistics maintain a full electronic audit trail, which includes details of poultry sites, customers, dates and tonnages. This information is forwarded to poultry site owners/managers for their auditing requirements and is then held on record by Gamber Ltd. They also have a website, www.gamber.co.uk which will provide more details of the service.
- 6.6.8 The Case Officer has informed the applicants via their agent that as the manure is a by-product of the proposed operation and any environmental impacts of its storage, management and spreading would be an indirect effect which will need to be assessed as part of the EIA. Whilst it is acknowledged that poultry manure can be a valuable organic fertilizer, its direct and in-direct impacts need to be assessed, and whilst the ES refers to a 'manure management' chapter, it is considered to

lack substantial detail, as what is needed is a meaningful assessment of the environmental effects of the storage and spreading of manure, in particular in relation to **odour, ammonia** and **dust**. There are likely environmental effects arising from this aspect of the proposal, so these need to be assessed irrespective of whether the manure is to be spread within the application site locality or not, with clarification on how it will be processed, whether as part of an AD plant process or in its raw form directly spread to farmland. A request to the applicants agent confirming all the manure being processed at an AD plant received no response. The EIA is considered deficient without this.

- 6.6.9 To date, despite Officer requests no further sufficient information has been forthcoming on this matter. As such the application and the Environmental Statement in support of it is considered deficient on this matter and therefore the application is considered not to comply with Policies CS6 of the Shropshire Core Strategy, Policies MD2 and MD7b of the SAMDev, the NPPF and the Town and County Planning (Environmental Impact Assessment), Regulations 2017 which indicates in Paragraph 25 that further information must be requested if an Environmental Statement is considered incomplete on which basis to reach a reasoned conclusion on the likely significant effects of the development described in the application.
- 6.6.10 Paragraph 5.13 in the applicants Environmental Statement indicates that low energy bulbs are used to reduce electricity usage. External lighting for the proposed buildings shall be designed and positioned to be pointing downwards only and cowled. A very low output dim light will be used above the personnel door of each building for health and safety reasons. To assist and provide safety for vehicle movements, a sensor light will be fitted to the corner of the buildings closest to the feed bins to prevent collision of vehicles into the buildings. The light will be fitted with a time control to remain lit for only 10 minutes, long enough for lorries to fill feed bins.
- 6.6.11 Whilst detail in relation to external lighting in support of the application is considered vague, given the location, this is not considered a significant concern. However it is recommended that a condition with regards to external lighting is attached to any approval notice issued in order to ensure satisfactory external lighting on site with minimal light pollution onto the surrounding environment. It is noted that reference is made to feed deliveries on site during hours of darkness. It is considered necessary that this activity is also controlled so as deliveries of feeding stuffs are made during day time hours only, owing to the potentially noisy operation, the need for external lighting on site if delivered during darkness as well as impacts on residential amenity owing to traffic movements.
- 6.6.12 In relation to residential and amenity issues the application is considered insufficient in detail and thus not in accordance with Policy CS6 of the Shropshire Core Strategy, Policy MD2 of the SAMDev, the National Planning Policy Framework and the Town and County Planning (Environmental Impact Assessment), Regulations 2017 on this matter.
- 6.7 **Other matters.**
- 6.7.1 Defence Infrastructure Organisation, (MOD), have responded to the application indicating no objections and this is noted.

6.7.2 It is acknowledged that the application site is classified as Grade 2 agricultural land, (the more productive and versatile agricultural land), however the site is located alongside an existing egg laying unit forming part of the farming enterprise concerned which has diversified its farming business in recent years from dairying to arable, beef production and egg laying. Overall in relation to amount of land concerned forming part of the holding concerned as well as cumulative impacts use of this land for the proposal on balance considered acceptable.

7.0 CONCLUSION

7.1 The proposal is for the erection of two free range poultry houses with feed bins and ancillary equipment for the housing of up to 64,000 egg laying birds on site. It is on the basis of this number of birds that this application has been considered. The development is considered significant in scale and will have a significant impact on the local landscape and clearly meets the thresholds of EIA schedule 1 development.

7.2 It is considered that the application lacks sufficient detail on which basis to make a positive recommendation as it is considered the application lacks sufficient detail on potential impacts as a result of manure generated on site. Further clarification is also required in relation to drainage matters. Otherwise on other matters such as visual impact, public highway access and transportation, ecological and scale the application is considered acceptable.

7.3 As such the recommendation is one of refusal as the application falls short of EIA Regulations 2017 and does not comply with Policies CS5, CS6, CS17 and CS18 of the Shropshire Core Strategy, Policies MD2 and MD7b of the SAMDev, the National Planning Policy Framework and the Town and County Planning (Environmental Impact Assessment), Regulations 2017.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
Economic Development, Enterprise and Employment
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
National Planning Policy Framework
SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

NS/03/01020/FUL Change of use of agricultural building to business for retail of saddlery, equestrian and animal equipment with associated parking provision WDN 6th November 2003
NS/03/01149/FUL Change of use of building to retail of saddlery, equestrian and animal equipment to include car parking area CONAPP 30th January 2004
NS/07/00474/FUL Proposed erection of agricultural building CONAPP 11th June 2007
NS/08/01541/FUL Proposed erection of a agricultural building for the housing of cattle CONAPP 13th October 2008
NS/84/00360/FUL Erection of an extension 30' x 45' to existing building for the storage of fertilizer. GRANT
NS/84/00361/FUL Erection of a beef rearing building (30' x 60') . GRANT
NS/87/00536/FUL Erection of cattle building (60' x 90'). GRANT
15/01323/FUL Change of use of agricultural land to a non permanent track for remote controlled cars (for specific events and club use); to include temporary car parking GRANT 3rd June 2015
15/01590/PMBPA Application for Prior Approval under Part3, Class MB of the Town & Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 for the Change of Use from Agricultural Use to Residential REN 24th June 2015
16/01380/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use PAR 2nd June 2016
16/03456/FUL Erection of stable block and construction of manege to include change of use of land to equestrian use GRANT 25th November 2016
16/03606/FUL Erection of an extension to existing Cattle Shed GRANT 26th September 2016
16/05685/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use PPPMBZ 13th March 2017
17/02125/FUL Erection of agricultural building GRANT 29th June 2017

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

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

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

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

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

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

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

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

21/03061/FUL Erection of two free range poultry houses with feed bins and ancillary equipment WDN 22nd September 2021

21/05985/EIA Construction of two free range poultry houses with feed bins and ancillary equipment REFUSE 1st April 2022

22/03828/EIA Construction of two free range poultry houses with feed bins and ancillary equipment PDE

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

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

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

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

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

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

Appeal

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

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RGVJG7TDID100>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Member

Cllr Simon Jones

Appendices

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

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

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

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

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

3. No development shall take place until a detailed hard and soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include: Plant species, sizes, numbers and densities, method of cultivation and planting, means of protection and programme for implementation. This is for all grassed areas, tree, shrub, and hedgerow planting. The works will be implemented during the first planting season following commencement of development on site.

Reason: In order to mitigate the development successfully into the surrounding landscape.

4. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted shall be planted at the same place and within the first planting season following the requirement for the previous specimen's replacement.

Reason: In order to ensure a successful landscaping plan is established in consideration of the visual impacts on the surrounding landscape.

5. No development shall take place until a scheme of surface and polluted 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 brought into use.

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

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

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

7. Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) shall be submitted to the LPA to confirm that the air scrubbers detailed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Free Range Egg Laying Chicken Houses and the Impact of Proposed Mitigation Measures at Painsbrook Farm, Painsbrook Lane, near Hadnall in Shropshire' by AS Modelling & Data, dated 27th July 2022 (submitted 23 January 2023), the 'Environmental Statement' by Halls dated September 2022 and shown on drawing number HPJ10707-202 Rev. D have been installed and are fit for purpose. The air scrubbers shall be maintained and operated thereafter, in accordance with the manufacturer's instruction for the lifetime of the development.

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

8. Prior to first use of the development, a plan showing the location, extent and specification for fencing of hedgerows as detailed in section 5.1.1 of the Ecological Impact Assessment by Churton Ecology dated 9 May 2021 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details prior to first use of the site.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

9. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon surrounding residential amenity and/or any sensitive features. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To protect the amenity of the surrounding area.

10. All external construction on site will be dark blue in colour in accordance with colour code BS18B29

Reason: In order to ensure the visual impacts of the development are acceptable in relation to the surrounding landscape.

11. No development shall take place until the passing place as detailed on Passing Bay Information Drawing no. HPJ10707-206 has been fully implemented and completed in accordance with the approved details and thereafter be kept clear and maintained at all times for that purpose.

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

12. The development hereby permitted shall not be brought into use until the areas shown on the approved Site Plan Drawing No. HPJ10707-202 Rev B for the access parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

13. No birds shall be brought to any of the egg laying units hereby permitted, or to the existing egg laying unit, unless the associated air scrubbing unit is in effective working order.

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

14. The poultry laying units hereby approved shall be limited to occupation by 64,000 birds.

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

15. No feeding stuffs will be delivered to the site outside the hours of 8am - 6pm Monday - Saturday or at any times during a bank holiday.

Reason: In the interests of surrounding residential amenity

16. All manure generated on site will be removed off site in sealed and covered trailers for processing at the Anaerobic Digestion plant (AD) at Lea Hall Energy, Lea Hall Farm, Lea Cross, Shrewsbury, Shropshire, SY5 8HY

Reason: In consideration of the amenity of the surrounding area and environmental considerations.

Informatives

1. This planning permission does not authorise the applicant to:

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

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

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

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

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

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

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

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

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

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



Committee and date

Northern Planning Committee

2nd May 2023

SCHEDULE OF APPEALS AS AT COMMITTEE (May 2nd 2023)

LPA reference	22/04602/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr Jordanis Petridis
Proposal	Conversion of existing garage and extension to form a residential annexe to existing house
Location	48 Underdale Road Shrewsbury
Date of appeal	13.03.2023
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/03805/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Wainwright
Proposal	Change of use from commercial use (Class E) at ground floor with self-contained residential units on the first, second and third floors to two self-contained residential units at ground floor and a 14 bedroom House in Multiple Occupation across the first, second and third floors
Location	Oswald House, 13 Oswald Road, Oswestry
Date of appeal	17.04.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/03327/ADV
Appeal against	Refual
Committee or Del. Decision	Delegated
Appellant	Mr Paul Keating
Proposal	Erect and display 1 no. externally illuminated fascia sign, 1 no. hanging sign, 1 no. LED digital screen located internally within store & glass manifestation
Location	The Local 30 - 32 High Street Whitchurch
Date of appeal	02.03.2023
Appeal method	Fast track
Date site visit	
Date of appeal decision	03.04.2023
Costs awarded	
Appeal decision	ALLOWED

LPA reference	22/03245/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	David Wicks
Proposal	Erection of two storey side extension with glazed link to existing dwelling and alterations to dwelling for disabled family members
Location	Wheelwright Cottage Northwood Shrewsbury
Date of appeal	08.02.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	29.03.2023
Costs awarded	
Appeal decision	DISMISSED

LPA reference	21/05610/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs Sissens
Proposal	Conversion of Former Agricultural Building to Tourist Let including Parking and Amenity Area
Location	Horton House Farm Horton Wem Shrewsbury
Date of appeal	01.09.2022
Appeal method	Written Representations
Date site visit	06.03.2023
Date of appeal decision	04.04.2023
Costs awarded	Refused
Appeal decision	DISMISSED

LPA reference	20/01156/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Dulson Ltd
Proposal	Erection of 26 No. 2 bed and 11 No. 1 bed retirement apartments with guest and manager accommodation, communal facilities, formation of parking areas, new access and landscaping scheme, following of demolition of existing buildings facing New Street and outbuildings within the site
Location	17 New Street Wem
Date of appeal	18.07.2022
Appeal method	Written Representations
Date site visit	09.01.2023
Date of appeal decision	04.04.2023
Costs awarded	
Appeal decision	DISMISSED

LPA reference	21/02981/EIA
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Ralph Tomley
Proposal	Use of land part of existing golf course as a static holiday caravan site with associated roads, drainage and ancillary works
Location	Henlle Park Golf Club, Henlle, Gobowen
Date of appeal	03.10.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	11.04.2023
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/01740/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	SY Homes Limited
Proposal	Erection of two blocks comprising 32 residential apartments; associated demolition, parking, amenity areas and landscaping (resubmission)
Location	Lord Hill Hotel Abbey Foregate Shrewsbury
Date of appeal	28.11.2022
Appeal method	Hearing
Date site visit	28.03.2023
Date of appeal decision	11.04.2023
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/02915/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr A Lewis
Proposal	Erection of an extension to an existing workshop to create a live/work unit
Location	New House Farm Sleap Harmer Hill
Date of appeal	30.09.2022
Appeal method	Written Representations
Date site visit	03.03.2023
Date of appeal decision	12.04.2023
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/03346/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Oscar Dell
Proposal	Erection of two storey front extension
Location	1 Hampton Close, Oswestry
Date of appeal	27.01.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	13.04.2023
Costs awarded	
Appeal decision	DISMISSED

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Appeal Decision

Site visit made on 20 March 2023

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/L3245/Z/23/3315199
30-32 High Street, Whitchurch SY13 1AU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Paul Keating on behalf of Mini-Cam against the decision of Shropshire Council.
 - The application Ref 22/03327/ADV, dated 18 July 2022, was refused by notice dated 21 December 2022.
 - The advertisement proposed is to erect and display 1 no. externally illuminated fascia sign, 1 no. hanging sign, 1 no. LED digital screen located internally within store & glass manifestation.
-

Decision

1. The appeal is allowed and express consent is granted for the display of 1 no. externally illuminated fascia sign, 1 no. hanging sign, and 1 no. LED digital screen located internally within store and glass manifestation at 30-32 High Street, Whitchurch SY13 1AU as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The parties have drawn my attention to policies of the Shropshire Local Development Framework: Core Strategy (CS), adopted March 2011, the Shropshire Council Site Allocations and Management of Development Plan (SAMDev), adopted December 2015 and the emerging Shropshire Local Plan 2016 to 2038. This includes the Council identifying Policies CS6 and CS17 of the CS and Policies MD2 and MD13 of the SAMDev specifically in the officer report as those which they consider the proposal to conflict with. I have taken the policies into account as material considerations, in so far as they are relevant to amenity and public safety. The Council's reason for refusal relates specifically to matters of amenity.
3. Where relevant, possible effects on designated heritage assets have been considered. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. In advertisement appeals this is only in so far as it relates to amenity. The Council has also referred to the effect on the setting of nearby

listed buildings. The related requirements of Section 66(1) of the Act do not apply to proposals for advertisement consent because that statutory duty only applies in considering whether to grant planning permission or permission in principle under the Town and Country Planning Act 1990. Nonetheless, features of historic or architectural interest are relevant when assessing the general characteristics of the area and I, therefore, necessarily take account of the presence of nearby listed buildings in considering the effect on amenity.

Main Issue

4. The main issue is the effect on amenity, including the character, appearance and significance of Whitchurch Conservation Area and the setting of nearby listed buildings.

Reasons

5. The appeal site is located on High Street within the primary shopping area of Whitchurch town centre and lies within Whitchurch Conservation Area (CA). The significance and special qualities of the CA are derived primarily from the many buildings of architectural and historic interest in a comparatively dense layout reflective of its origins as a market town which is particularly evident in High Street, St Mary's Street, Watergate and Green End. As such the dense composition and mix of built form with a range of architectural styles evident in High Street makes a positive contribution to the character, appearance and significance of the CA. This includes as part of important townscape views of built form on an upward slope and gentle curve towards the tower of the Grade I listed St. Alkmunds Church which is visible above buildings on the north-eastern side of High Street.
6. No. 30-32 High Street (No. 30-32) lies close to the midpoint of High Street on its south-western side and therefore, is within the immediate setting of the Grade II listed No. 34 High Street that is separated by Pepper Street and which derives its significance from the architectural detailing of its Georgian façade particularly evident to its upper floor fenestration, moulded cornice and via the stone bands below the first floor windows and chamfered quoins which contrast with a modern shopfront. It is also opposite to the Grade II* listed Old Shop (Nos. 21 and 23 High Street), the significance of which is derived from its timber framing which is representative of earlier construction methods, together with later alterations demonstrating its historic use as firstly a house and then subsequent conversion to retail identifiable via its distinctive and unique 19th century shopfront. The Grade II listed Nos. 19 and 19A High Street, adjoin the Old Shop and have group value with it due to similar timber framing and a shared passageway, but have been more substantially altered which is particularly evident through the presence of a modern shopfront.
7. In contrast to the nearby listed buildings, which make a positive contribution to the CA that prevails even with the addition of some modern shopfronts due to the historic and architectural interest of upper floors, No. 30-32 has been subject of extensive alterations to its High Street elevation and consequently is of little historic or architectural interest. Its main contribution to the significance of the CA is, therefore, as part of townscape views in High Street influenced by the sloping land levels and the road gently curving away. In that context it is seen obliquely and not prominently, amongst surrounding buildings that have a diverse mix of architectural style, fenestration patterns and shopfronts at ground floor level. In the latter regard, the evidence before me

includes photographs of a previous externally illuminated brightly coloured uPVC fascia sign and roller shutters which clearly contrasted with and detracted from the local character of the CA. However, at the time of my visit, the previous signage and roller shutters had been replaced by external alterations to the shopfront associated with the change of use to a hot food takeaway granted separately by the Council under reference: 22/01228/FUL and the installation of signage subject of the appeal before me.

8. The proposed advertisements subject of this appeal are related to a Dominos hot food takeaway use of the premises and include an externally illuminated fascia sign comprising individually built-up white lettering and logo mounted directly to a panel, and an externally illuminated double-sided hanging logo sign on aluminium panels fitted within a decorative framework and wrought iron decorative scroll work bracket. The signs both have grey coloured main panels and were in place at the time of my visit whereby I observed that their appearance with respect to colours, materials and scale are complimentary to the new shopfront and the host building as a whole. The signs assimilate appropriately with the prevailing character nearby which comprises an eclectic mix of modern and traditional shopfronts, including fascia and hanging signs with different and more prominent scales, forms, colours, lettering and logos visible along High Street. In that context, I find that the design of the fascia and hanging signs of themselves are comparatively subtle and do not look out of place when viewed alongside the surroundings, including the more conspicuous signage on the Grade II listed No. 34 High Street. Furthermore, by visually assimilating appropriately with their surroundings during daylight hours amongst the varied window displays both surrounding and opposite, the signs do not detract from the character and significance of the CA, the setting of the Grade II* and Grade II listed buildings opposite or townscape views along High Street of the Grade I listed building that form part of its setting.
9. The fascia and hanging signs are lit from above by external slimline trough lights which I observed to be discreet and unobtrusive features. External illumination of shopfronts along High Street and elsewhere in the CA is not a widespread feature and many town centre retail and commercial premises maintain a low-key profile at night-time with only infrequent lighting featuring within the overall townscape. Nonetheless, this includes notable and less subtle examples of external lighting of ground floor frontages elsewhere in High Street associated with uses which remain open in evenings such as other hot food takeaways, public houses and restaurants, together with a more limited number of shopfronts in High Street including close by and also within Green End. The prominence of the external illumination of the exterior signs in this particular location is also reduced by the presence of a street light mounted on the adjacent building and an externally illuminated no entry traffic sign on the corner with Pepper Street. When taken with those forms of illumination and the visible internal lighting within the shopfront of the hot food takeaway that is permitted to open into the late evenings, the externally illuminated signs would not be overly conspicuous whilst the LED digital screen is suitably installed in an interior position within the glazed shopfront that assimilates appropriately with the internal lighting and décor. I, therefore, find that the size, siting and style of the externally illuminated advertisements and internal LED digital screen when considered together reflect well-designed signage suitable for the permitted use in this particular town centre location and the CA so as not to harm its character, appearance, or significance.

10. In reaching the above findings, I have taken into account that the Council have indicated that only a limited number of consents for external illuminated signs have been granted under a previous policy regime and that the remainder do not benefit from express consent. However, most examples of external illuminated signage appear to be well established and there is no evidence of enforcement or discontinuance action being brought by the Council. In any case, I find that the advertisements subject of this appeal, including the use of discreet and unobtrusive illumination, are not harmful to the surroundings given the comparatively well-lit context arising from the permitted hot food takeaway use opening during hours of darkness into late evenings. In reaching that view I am satisfied that the proposal preserves the significance of the CA, together with the associated settings of the aforementioned listed buildings and how their special qualities, historic and architectural interest are experienced.
11. Having regard to all of the above, I conclude that the proposed advertisements do not harm amenity, and thereby preserve the character, appearance and significance of the Whitchurch Conservation Area and nearby listed buildings. The proposal, therefore, does not conflict with Policies CS6 and CS17 of the CS and Policies MD2 and MD13 of the SAMDev or the Framework in so far as they are material to such matters.

Other Matters

12. The PPG sets out advertisement considerations affecting public safety on roads, together with the location and main types of advertisement which may cause danger to road users. In that respect, whilst the signs subject of the appeal face towards and along High Street, they are sited on and within a building at ground floor level close to other forms of illumination and are viewed amongst a variety of other signage from public vantage points. In such circumstances, the advertisements do not command undue attention, so as to unduly distract drivers and pedestrians taking the appropriate level of care as they negotiate the lightly trafficked one-way route. I, therefore, find that the advertisements do not have a detrimental impact on public safety.

Conditions

13. The five standard conditions set out in the Regulations are necessarily imposed. The Council have suggested additional conditions to set out the five year duration of the express consent and requiring compliance with the approved plans, drawings and documents. However, a specific time limit condition is not necessary given that the Regulations are clear that an express consent is for five years unless otherwise stated. Furthermore, given that the advertisements subject of the appeal are as applied for and were in place at the time of my visit it is not necessary to impose a plans compliance condition.

Conclusion

14. For the reasons given above, I conclude that the display of the proposed advertisements are not detrimental to the interests of amenity or public safety. The appeal should, therefore, be allowed and express consent granted subject to the conditions set out.

Gareth Wildgoose

INSPECTOR



Appeal Decision

Site visit made on 14 March 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal ref: APP/L3245/D/22/3313260

Wheelwright Cottage, Northwood, Shrewsbury SY4 5NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mr David Wicks against the decision of Shropshire Council.
 - The application, ref. 22/03245/FUL, dated 12 July 2022, was refused by a notice dated 12 October 2022.
 - The development proposed is the erection of a two storey side extension with glazed link to existing dwelling and alterations to dwelling for disabled family members.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Main issue

2. The main issue in this appeal is the effect of the proposed extension to Wheelwright Cottage on the character and appearance of the original dwelling.

Reasons

3. The appeal property is an attractive 2 storey detached house a short way south of the settlement of Northwood between Welshampton and Wem. The Council described the house as a 2-storey cottage with symmetrical frontage dating from the early to mid-nineteenth century. It is constructed in red brick and roofed in slate. The property is deemed to be a non-designated farmstead that is recorded on the Historic Environment Record (HER) as part of the Historic Farmsteads Characterisation Project where it is a smallholding.
4. Wheelwright Cottage is set back from the road. There is a single storey lean-to, also red brick, extension at the rear, seen in views to the house from the south. Another fine, large red brick building close to the north of the house has a name plate describing it as The Old Wheelwright Workshop. This and the house are linked by an inharmonious flat roofed structure. The house has large grassed grounds alongside and to the south.
5. Mr Wicks, the Appellant, said his sister cares for their disabled mother. Both live some 200 miles away. Mr Wicks' sister's health has deteriorated recently to the point she also needs specialised accommodation. She cannot now care for their mother alone. The intention is that both would move to live with Mr

- Wicks at the extended Wheelwright Cottage, designed and enlarged to meet their needs.
6. The appeal project is for a 2 storey extension to the house to be connected by a glazed link on the south side of the house. The new extension would have a lounge, cloakroom, bedroom and bathroom for a carer on the ground floor. Above there would be 2 bedrooms with wet rooms suitable for persons with disabilities. Mr Wicks' mother and sister both use wheelchairs. A lift between the 2 floors would be installed to facilitate access.
 7. Government guidance 'Conserving and enhancing the historic environment' at para. 039 describes non-designated heritage assets as buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.
 8. National Planning Policy Framework at para. 199 says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
 9. In my view, the appeal extension does not meet the above test of minimal harm. I consider the Council right to conclude that it would cause undue detriment to the character and appearance of the existing attractive house. The separation of the proposed extension from the main house, intended to safeguard its original character and appearance has the advantage of providing some visual division. But particularly in views to the house from the south, the new extension would unhappily and incongruously dominate.
 10. It was acknowledged that the extension would have similar proportions to the existing house. This would mean, however, that the extension and its link would be of such a size, doubling the ground covered and the overall structure, that the original dwelling would appear almost subservient, its original character, appearance and setting largely lost.
 11. I cannot agree with the Appellant's assessment that the extension would fit in with its context and not harm the host building nor harm visual amenities. The pleasing aspect of the house when viewed from the south along Wem Road would be replaced by a large and inapt blank gable wall, unhappily obscuring the original house. That would not, in my view, be a fitting adherence to guidance in local policies CS6 and MD2 which require a high quality of design in all new development.
 12. The Council said the appeal extension was to be assessed against their Type and Affordability of Housing Supplementary Planning Document (SPD), particularly with regard to house extensions in the countryside. That says the size of dwellings in the countryside is an issue of concern; the market trend towards providing larger and more expensive dwellings which tended to exclude the less well-off, including those who need to live and work in rural areas. In this instance the projected effective doubling of the size of Wheelwright Cottage is not simply to substantially enlarge the dwelling, but to provide suitable disabled accommodation for Mr Wicks' mother and sister and for a carer. However, on the scale proposed, this would not be a project to

adapt an existing dwelling, with perhaps a modest extension. What is proposed is the permanent doubling of the size of the house, a situation which would exist long after its present justification.

13. I agree with the Council's conclusion that the extent and design of the proposed extension would be harmful to the character and appearance of the existing non-designated heritage asset of Wheelwright Cottage which it would overwhelm in scale and have a detrimental impact on the amenity of the immediately surrounding rural area. The project conflicts with development plan policies CS6, CS17, MD2, MD13 and national policies and guidance as set out within the National Planning Policy Framework and the Planning (Listed Building and Conservation Areas) Act 1990. The resulting large house would also conflict with the Council's SPD Type and Affordability of Housing guidance.

Conclusion

14. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

John Whalley

INSPECTOR

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Appeal Decision

Site visit made on 6 March 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2023

Appeal Ref: APP/L3245/W/22/3306210

Horton House Farm, Horton, Wem, SHREWSBURY SY4 5ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M & J Sissens against the decision of Shropshire Council.
 - The application Ref 21/05610/FUL, dated 29 November 2021, was refused by notice dated 7 July 2022.
 - The development proposed is the conversion of a former agricultural building to tourist let including parking and amenity area.
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Decision

1. The appeal is dismissed

Applications for costs

2. An application for costs has been made by Mr and Mrs M & J Sissens against Shropshire Council. This application is the subject of a separate Decision.

Main Issues

3. The main issue is whether the proposed holiday let accommodation would be in a suitable location with respect to local and national policies.

Reasons

Locational matters

4. The appeal site is located about a mile from the settlement of Wem. It is accessed from the B5063 via a private access track. The access track leads to two dwellings and the appeal site, which are within a small cluster of buildings in the open countryside. The B-classified highway is subject to a 60mph speed restriction and does not benefit from a footway or streetlights.
5. The development plan for the district includes the Shropshire Council Site Allocations Management of Development (SAMDev) Plan 2015. SAMDev policy MD11 supports tourism development that require a countryside location, provided it would complement the character and quality of the site's surroundings and would meet CS policies CS5, CS16 and other policies of the Plan.
6. Policy CS5, of the Shropshire Core Strategy 2011 (CS), lists criteria for suitable development in the Countryside. The sixth criterion supports sustainable rural tourism and leisure facilities which require a countryside location, that would be in accordance with policy CS16. CS policy CS16 seeks proposals, related to

tourism, culture and leisure, to enhance the vital role that these sectors play in the local economy with emphasis placed on seven key objectives. The first objective supports tourism development that would be appropriate to its location. The seventh objective requires this type of development to be in accessible locations that is close to or within settlements, or within an established tourism enterprise where accommodation is required. This policy also supports the reuse of existing buildings.

7. These policies are broadly consistent with the National Planning Policy Framework (the Framework) that supports a prosperous rural economy and sustainable rural tourism and leisure developments which respect the rural character of the countryside.
8. The term 'settlements' is not defined by the Council. However, I take this to be read as referencing settlements that are listed in the Council's Hierarchy of Settlements used by the Council to inform a settlement's potential to accommodate future development. This defines Wem as a key settlement/service centre and does not identify Horton as a settlement. Therefore, whilst Horton has some characteristics of a settlement it is not one in policy terms. As such, for policy purposes I consider the site to be outside of a recognised settlement. The Council's reference to 'close to' is also not defined or explained in policy and is therefore a matter of planning judgement. I find that closeness is a matter of both geographic distance and the site's accessibility to a settlement.
9. The Appellants have provided examples of several holiday-let schemes that have been approved by the Council around Wem and other settlements, I have taken these into consideration. These decisions demonstrate that some tourist related development, a similar distance from settlements, were deemed by the Council to be 'close' to the settlement. Nevertheless, it is also acknowledged that most of these decisions show that each site would provide broader access to a range of travel choices than that found for the appeal site. Other proposals were substantially closer to a settlement or subject to other material considerations. Due to the variations in geography, situation and planning context, I do not find that the Council has concluded on matters of accessibility in a manner patently at odds with an established approach.
10. During my visit I noted that the B5063 was relatively narrow and without footways or streetlights with access to extremely limited areas of grass verge refuge. I found passing traffic to be fast and this environment would be intimidating to a pedestrian or cyclist. Without the benefit of footway or streetlights this route to Wem would be unsafe for such users. Furthermore, whilst the rear access of the site connects through the Appellants' land to a lane, this still would require the use of the B5063 to gain access to Wem offering limited benefits to pedestrian safety.
11. Moreover, occupiers of the holiday let would not have access to public transport from Horton. The use of the community bus would be unlikely to be available to visitors and in any event would only be likely to provide a limited sporadic service for holiday makers. Although reduced access to public transport in rural locations is recognised by the Framework, this also seeks to promote sustainable rural tourism. The site would not offer any real alternatives for visitors other than to use the private car and would not therefore meet this objective.

12. Accordingly, the site would not offer a suitable or accessible location for tourist let accommodation in consideration of local and national policies. As such, the proposal would conflict with CS policies CS1, CS5, CS6 and CS16, SAMDev policy MD11 and the Framework for the reasons outlined above.

Other considerations

Public Sector Equality Duty

13. The Appellants have indicated that the description of development initially included “for persons with cognitive and physical disabilities and their families” but this was excluded from the description by the Council. I note that the description of development on both the application form and appeal form are the same, excluding the above reference, and I therefore surmise that the description was revised prior to submission.
14. The Appellants state that the proposed holiday let would be made available for persons with cognitive and physical disabilities and their families. In my assessment of the effect of the proposed development on the wellbeing of users of the facility, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
15. Given the nature of the Appellants’ intended market, the group targeted as suitable users of the facility share a protected characteristic for the purposes of the PSED. I have therefore afforded greater weight to the needs of this group as required by the PSED. The proposal would provide mental and physical health benefits and benefits socially and emotionally to members within this protected characteristic. Users would be able to make use of the countryside setting providing a tranquil and pleasant environment. The layout plan shows the bathroom would include specialist equipment and would include suitable décor for those with sensory impairment to enjoy a relaxing stay. The Appellants would also offer onsite support for visitors, providing additional assistance for families with a supportive and non-judgemental approach. Consequently, the proposed use would advance the equality of opportunity, and foster good relations for a group of persons, within a protected characteristic.
16. The proposal has generated substantial support, at both the application and appeal stages, from many local groups who provide services for this protected group identifying a clear and pressing need for this specialist type of holiday accommodation. I am also cognisant that supporters have remarked that the facility would provide a safe and stimulating environment for those who have additional needs. As a result, the proposal would provide specialist accommodation that would meet the requirements of a protected group. Moreover, if the proposal is found not to be acceptable this would deny such users from gaining access to such a facility. Accordingly, the benefits of the proposal through assisting in meeting the needs of a protected group, weigh in favour of the proposal.
17. Nonetheless, whilst being offered as suitable accommodation, I see no compelling reason why it would not equally appeal to holiday makers outside of this protected group. Any planning condition that would seek to restrict the

occupation of the holiday let to this protected group would suppress the potential customer base of the holiday let, applying an unreasonable burden to the viability of the business. Furthermore, such a restriction would require the Council, in enforcing the condition, to ensure that visitors met the qualifying requirements. This would be both invasive and compromise the dignity of users and present a substantial administrative burden. Accordingly, such a condition would be unreasonable and unenforceable. Furthermore, no other legal mechanism has been advanced by the Appellant to attempt to address this matter in another way. As such, the proposal would not be exclusive to this protected group and would be open for use by the open market. This benefit therefore weighs only moderately in favour of the proposal.

Other Matters

18. The neighbouring dwelling of 'The Swallows' includes habitable rooms at its northeastern end, with some side windows that overlook the site's boundary. The boundary fence provides a relatively robust line of screening. Furthermore, the proposal would not include any windows adjacent to the shared boundary and activity in the front garden area would be largely obscured by the appeal building. I am cognisant that the Council's Environmental Protection Team has remarked that holiday lets can result in greater noise than a conventional residential property. Nonetheless, due to the orientation of the appeal building, relationship of its frontage to 'The Swallows' and location of boundary screening, noise effects beyond the site edge would be limited.
19. 'Horton Villa' is a grade II listed building to the west of the site. Its significance derives from its architectural interest in a traditional rural setting. I am satisfied that its setting would be preserved due to the separation distance, intervening buildings and level of landscape screening.
20. The scheme would involve the reuse of an existing barn and would largely make use of existing openings. The appeal barn is within a small cluster of buildings where its conversion and use would not erode the surrounding area's open and rural character. It would therefore complement the character and quality of the site and its surroundings. Furthermore, the use of the proposed access, using the existing shared access drive, would not harm highway safety. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
21. An appeal decision has been submitted by the Appellants with respect to a proposal for holiday lodges in Much Wenlock, in 2018¹. The Inspector allowed the appeal partly on the basis that despite the site providing limited accessibility into Much Wenlock, its rural location would be a fundamental part of its attraction to tourists, providing an escape from urban environments. However, the decision also identifies that the site was substantially closer to Much Wenlock than this appeal site is to Wem, and a public right of way in that case offered a safe pedestrian route to the settlement albeit indirectly. Therefore, whilst considering this case on its own merits, I find that the 2018 appeal site's location and context is markedly different to the site the subject of this appeal preventing any clear comparisons to be made.
22. The proposal would have a small, positive economic effect on the local area through adding to the range of visitor accommodation in the area. Visitors

¹ Appeal Decision Reference: APP/L3245/W/18/3195876

would also contribute to the local economy through spending at local businesses and attractions. Furthermore, tourists could also help to maintain the viability of community service and facilities within nearby settlements. These benefits weigh in favour of the proposal.

Planning Balance and Conclusion

23. The proposed use would not be located within a defined settlement or adjacent to one, occupiers would have no direct access to public transport and the accommodation would lack access to safe pedestrian/cycle transport links. Consequently, most if not all journeys would be reliant on the private car creating a site with poor accessibility. In contrast, the proposal would result in the reuse of a building, within a cluster of buildings and would make a small contribution to the local tourist economy, providing positive, albeit limited weight in support of the proposal.
24. Furthermore, the proposal would also meet the specialist requirements of a protected group. The Appellants' intended customer base would be families with autistic children and children with learning disabilities, which the Appellant indicates would have a greater reliance on the private car to access the site and the surrounding area. It is further indicated that visitors would have good access to the wider countryside for walks via the rear access onto Drakey Lane, providing direct access into the countryside without using the B5063. Nonetheless, having given these matters due consideration, I find that the benefits of delivering a facility that would meet the needs of this protected group, and the associated modal transport requirements of this group, would convey only modest weight in favour of the scheme.
25. Therefore, the benefits of the proposal would not outweigh the conflict found with the development plan. Accordingly, there are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should not succeed.

Ben Plenty

INSPECTOR

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Costs Decision

Site visit made on 6 March 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2023

Costs application in relation to Appeal Ref: APP/L3245/W/22/3306210 Horton House Farm, Horton, Wem, Shrewsbury SY4 5ND

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs M & J Sissens for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the conversion of a former agricultural building to tourist let including parking and amenity area.
-

Decision

1. An application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. A Council would be vulnerable to costs if it prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The substantive costs application alleges that the Council has behaved inconsistently in consideration of both to previous decisions it has made and with respect to the findings of an appeal decision.
4. The claim asserts that the Council has:
 - Misapplied policy CS5, of the Shropshire Core Strategy 2011 (CS) and
 - Arrived at a different view regarding matters of the accessibility of the site in comparison to similar cases, resulting in inconsistent decision making.

Policy considerations

5. CS Policy CS5 lists criteria for suitable development in the Countryside. The first and second criteria, relate to 'small scale economic development' and 'dwellings for essential countryside workers'. A subsection of these two development types requires such development to demonstrate the need and benefit for the development. It also requires these activities to take place primarily in named settlements or be linked to other existing development and business activity where appropriate. The sixth criterion supports sustainable rural tourism and leisure facilities which require a countryside location, and that would be in accordance with policy CS16.

6. Consequently, the issue of need and benefits and for sites to be within a named settlement, relates specifically to small-scale economic development and essential countryside workers. Although the proposed development could be described as small-scale economic development, as a separately named type of development in the countryside, rural tourism is distinct from the first two types. If tourist accommodation were required to be subject to a needs/benefit test it seems to me that it would have been placed as bullet point three, above the subsection of text. Instead, it is specified as a separate type of development further down the list implying a separation and distance from the matters of need/benefits. This understanding of policy is consistent with several previous decisions taken by the Council.
7. As such, the issue of need/benefit is not relevant to a tourist related activity by virtue of CS policy CS5. Furthermore, the Council has provided insufficient evidence to justify or explain a requirement to diverge from these previous decisions. For these reasons the Council has behaved unreasonably in seeking such justification for the proposal.

Suitability of location

8. In my main decision I have found that the appeal site is poorly located for access other than by the private car. This was largely based on the character of the connecting highway to Wem, being a highway without footways or streetlights and having a 60mph speed restriction. The Appellant referred to a number of planning decisions made by the Council, and an appeal decision, that consider tourist related matters in the countryside.
9. The schemes referred to include Old Barn, March Lane. However, this was closer to a named settlement and offered a variety of options for travel. The Summer House is also closer to Wem and close to the village of Tilley and a bus stop, providing access to the site by several options of travel. The barn at Gravel Hole Farm, is also closer to a named settlement and would deliver visual enhancements that would enhance its historic setting, a matter the Council ascribed substantial weight to. I am cognisant of the visual benefits of the proposed conversion, in the case of the appeal proposal, would be modest and of limited weight.
10. Other case such as Drift House and Coton Farm were subject to a fall-back position and agricultural worker requirement, respectively, that weighed in favour of these proposals despite their reliance on the private car for travel. Also, the appeal decision for holiday lodges in Much Wenlock was found to be materially different in location and accessibility, preventing any clear comparisons being made with the appeal site.
11. In contrast to the above, the scheme at Mayfield Farm for a holiday let was approved despite being a similar distance from Wem and being only accessed from the B5063. The Council has been not adequately explained why this scheme was approved despite its poor accessibility. Nonetheless, whilst demonstrating locational similarities with the appeal scheme, this alone does not demonstrate a clear pattern of inconsistency and does not outweigh the otherwise clear consistent approach advanced by the other decisions taken by the Council.
12. Although considering each case on its own merits, the submitted cases were different from the context of the appeal site and have not demonstrated that

the proposal was determined in an inconsistent manner. Therefore, the Council's the decision was consisted with most previous decisions, and these findings do not demonstrate unreasonable behaviour.

Summary

13. Although finding that the Council behaved unreasonably with respect to the first matter, this did not result in unnecessary expense as the matter of accessibility would have prevented the scheme from being allowed in any event. As a result, an appeal would not have been avoided had the Council not raised issues of need/benefits. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

Ben Plenty

INSPECTOR

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Appeal Decision

Site visit made on 9 January 2023

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/L3245/W/22/3303317

17 New Street, Wem SY4 5AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Derrick Dulson, of Dulson Ltd., against the decision of Shropshire Council.
 - The application Ref 20/01156/FUL, dated 24 February 2020, was refused by notice dated 8 March 2022.
 - The development proposed is described in the Council's decision notice as 'erection of 26 No. 2 Bed and 11 No. 1 Bed retirement apartments with guest and manager accommodation, communal facilities, formation of parking areas, new access and landscaping scheme, following demolition of existing buildings facing New Street and outbuildings within the site.'
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The proposal differs from the original scheme.¹ As is evident from the banner heading above, however, the Council have assessed revisions. The appeal process has also afforded the opportunity for any interested party to comment on the current proposal.
3. The current proposal is now supported by a Unilateral Undertaking dated 25 January 2023 ('UU'),² under section 106 of the Town and Country Planning Act 1990 as amended. Notwithstanding certain potential errors,³ the UU commits those with an interest in the land to the provision of 5 affordable units and to making a contribution of £124,877.00 towards open space improvement (in the eventuality the appeal were to be allowed).
4. Each proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan here includes policies of the Shropshire Core Strategy (adopted February 2011, the 'CS') and of the Site Allocations and Management of Development Plan (adopted December 2015, 'SAMDev').
5. Neither main party has referred to policies of the emerging Local Plan 2016-2038, currently at examination, in furtherance of their case. Whilst the

¹ The original scheme was for '30 No. 2 bed apartments, 9 No. 1 bed apartments...'.

² Corrected signatures to the UU submitted on 17 February 2023.

³ Notably in respect of the definition of Gross Development Value, which may relate to schedule 3 to the UU, and the absence of a monitoring fee (which may or may not be conscious).

appellant sets out that the proposal would make a positive contribution to local housing supply, there is no countervailing evidence to the Council's position that they are able to demonstrate a five year land supply of deliverable housing sites (with regard to paragraphs 68 and 74 of the National Planning Policy Framework, 'NPPF').

Main issues

6. The main issues are:
- (i) whether the proposal would result in suitable living conditions for its intended future occupants in respect of outside space,
 - (ii) the effect of the proposal on historic significance, and
 - (iii) the effect of the proposal on the living conditions of the occupants of neighbouring properties to the north.

Reasons

Living conditions, future occupants

7. The Council has brought appeals at Handforth and Bridgnorth to my attention relating to housing for older people.⁴ Both were dismissed, and both concerned provision of outside space. Each decision is, however, context specific. The Handforth appeal falls within Cheshire East Council's administrative area. The Bridgnorth appeal, albeit referring to 'flexibility' in SAMDev policy MD2, relates to the erection of additional units within an existing retirement complex.
8. The appellant states that the Handforth appeal decision does not include 'full details of the quantity, layout and landscaping of the amenity space provided...'. The same is true here. There appears to be no reference to the quantity of outside space proposed, including of balconies. That is problematic; criterion 5. ii. of SAMDev policy MD2 advocates provision of 'at least 30sqm per person that meets local needs in terms of function and quality...'.⁵
9. The Council has drawn my attention to the judgement handed down in *Fraser*.⁵ That judgement related to two permissions granted by the Council for an extra care home for those aged over 55. As with the appeals above, that judgement turned on the specifics of the development proposed and its history. Notably the proposal here is instead for retirement apartments. The claimant there unsuccessfully argued that the Council's actions were in breach of the Public Sector Equality Duty ('PSED') in relation to the protected characteristics of age and disability.⁶ I am also bound by the PSED.
10. Various points made in the Fraser judgement are nevertheless useful context, regardless of the specifics or outcome of that challenge. The judgement reiterates that the 30sqm metric in policy MD2 is not determinative in itself. Criterion 5. ii. is part of policy MD2, the opening element of which sets out how design should be considered 'holistically'. Policy MD2 is also set within the wider evaluative context of CS policy CS6, which seeks, amongst other things, to ensure high quality in design. Conflict with one development plan policy, or element thereof, does not equate to conflict with the development plan as a

⁴ Ref. APP/R0660/W/20/3262327, and APP/L3245/W/22/3296574.

⁵ *Fraser, R (On the Application Of) v Shropshire Council* [2021] EWHC 31 (Admin) (11 January 2021).

⁶ Section 149 of the Equality Act 2010 as amended.

whole. Whether a proposal would comply numerically with criterion 5. ii. is therefore part of a broader planning judgement.

11. However, contrary to the appellant's reading of Fraser, much of that judgement concerned the history to, and different perspectives on, the quantity of outside space proposed. The judgement refers to such fine-grain detail as the area given over to flowerbeds. The appellant accepts that the proposal here would 'not fulfil the requirement of 30sqm'. As noted above, however, there appears to be no precise enumeration of the amount of outside space proposed or any shortfall relative to that metric.
12. The claim in Fraser in respect of PSED failed. In part that was as the Council had assessed the scheme irrespective of the particular needs of potential occupants of differing ages, or those with health conditions or impairments. With that in mind, the appellant states that 'elder people typically downsize into retirement properties in order to avoid the onerous maintenance burden of large gardens.' That observation may go to the flexibility or judgement inherent in reaching a conclusion as to compliance with policy MD2.
13. However, that statement cannot be read other than as an assertion that older people tend to need less outside space than others. That is not necessarily so. Open space benefits wellbeing, irrespective of whose wellbeing. NPPF paragraph 130. f) furthermore sets out, plainly, that planning should ensure that places are created which promote health and wellbeing 'with a high standard of amenity for existing and future users'.
14. A further shortcoming with the appellant's case is that, in the appellant's words, the proposal 'is for town-based retirement apartments, not suburban style housing'. Any outside space metric cannot account for the variety of all different sites and contexts. I note also that policy MD2 draws from the Council's Open Space Interim Planning Guidance of 2012 (which is not part of the statutory development plan).⁷ I acknowledge that the site falls within the town centre policy boundary for Wem, and that there are public open spaces relatively nearby.⁸
15. Nonetheless the level of density proposed would significantly exceed that which is typical of the area. As detailed subsequently, Wem is characterised by a lively historic pattern of development. That generally, if not universally, results in a significantly lower residential density than the 137 units a hectare that the scheme represents.⁹ Residential density is a simplistic metric, and development pressures differ from historic circumstances. Nevertheless the nearest residential properties to the appeal along New Street clearly reinforce that point. They are of far lower density, potentially comparable with many suburban environments.
16. The appellant states that 'open space is provided throughout the scheme at the centre and periphery of the site'. They also state how 'landscaped open space is provided within the development adjacent to the north, south and west boundaries of the site'. However along the western site boundary by Drawwell Lane, the 'landscaped open space' there is a narrow tapering sliver of land. It is

⁷ In turn derived from the approach taken at former Bridgnorth District Council.

⁸ Including Wem Recreation Ground which the appellant sets out is around 173 metres away.

⁹ 37 units within a site of 0.27ha, therefore $37 \times 3.704 = 137$.

set next to parking spaces and, in part, occupied by electric vehicle charging points. It appears simply to be the residual of marrying up the geometry of the building with the site, rather than consciously designed or useable other than for functional purposes or access. That is similarly the case of open space proposed to the south. There a scattering of small areas of open space set between parking spaces, pedestrian access to the site, and the vehicular access to Wem Business Park is proposed.

17. There would be a greater area of outside space set between the northern wing of the building and the site boundary with no.19, in which location an allotment garden is proposed. However, for much of its length that element of outside space would be around three metres in width. That area would fall between a three storey wing of the property on one side and the substantial wall demarcating the common boundary with no.19 on the other (detailed subsequently). There would consequently be little meaningful outlook from that area, which would also likely fall in shade for much of the time.
18. In terms of on-site provision that leaves a further modest area of open space between parking spaces and the entrance to the proposed building to be considered.¹⁰ Nestled between the northern and southern wings of the building, much of that space is also likely to be shaded for significant proportions of the day. Much would also be 'functional', i.e. surfacing around the entrance to the building and pathways associated with parking and cycle storage. There would be little opportunity for meaningful natural landscaping. By consequence, and because of its proximity to parking spaces, that central element of outside space would not be conducive to relaxation.
19. I therefore find that the level and quality of outside space would result in poor living conditions. The proposal would not accord with SAMDev policy MD2, CS policy CS6 or NPPF paragraph 130. f). The proposal would also not accord with the guidance in section 2.14 of the Council's Type and Affordability of Housing Supplementary Planning Document (2012).
20. In my view the existence of public open spaces relatively nearby is not an adequate offset to unacceptable on site provision. The prevailing level of density in the area results in a significantly higher baseline in terms of outside space availability than is proposed. Inevitably much of future occupants' time would be spent within the confines of the site (regardless of the characteristics of intended occupants). Open space elsewhere is also inevitably less readily accessible than on-site provision.
21. NPPF paragraph 55 directs that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (in that order of preference). Planning obligations must only be sought where they meet the tests set out in NPPF paragraph 57, also contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended.
22. As noted above the UU contains a significant contribution to off-site open space improvement. The appellant contends that contribution would both meet the Council's request in that respect, and offer wider benefit. However the former is

¹⁰ See plan no. 2.01 Revision D.

incidental. The Council ultimately refused permission, in part on the basis of the nature of the outside space proposed. I have reasoned above that public space elsewhere would not adequately offset constrained living conditions on site; improved open space would not necessarily render it more accessible.

23. Furthermore, NPPF paragraph 57 sets out how planning obligations must be 'directly related to the development'. I cannot therefore accord weight to any broader benefit that may result from the open space contribution beyond that which is directly related to the development proposed.

Historic significance

24. The appeal site, roughly square, amounts to about 0.27ha. It is set centrally within Wem to the west of New Street (B5476). The site falls within the town centre policy boundary and Conservation Area ('CA'), both of which also track along New Street and by the High Street to the south. The site is varied in nature. It includes a run of buildings set hard against the pavement flanking New Street. Those buildings have been successively altered over time, such that it is challenging to describe the precise relationship of a given property number to a distinct unit. Historically they appear to be collectively referred to as 'Minton House', I hereafter refer to them as the 'buildings' on site (as opposed to structures).
25. The buildings, flanking the eastern side of the site, potentially include nos. 16, 17 and 18 running south to north, and also what is signed as 'Minton Flat'. The latter appeared partially accommodated in a two storey rear outrigger to no. 18, and also to extend above the three-centred brick arch spanning to neighbouring no. 19. Regardless of their current arrangement or numbering, the buildings were once humble, traditional, and two storey (albeit with relatively finely-jointed Flemish bond brickwork, some of which remains visible).
26. The buildings are referred to as workers' cottages in the Conservation Area Appraisal ('CAA'). The appellant's updated Heritage Impact Assessment ('HIA'), drawing from an earlier appraisal of 2004, indicates that they originated as two buildings dating in part from the late eighteenth century. In that respect the buildings were, and to a lesser extent are, consistent with those further northwards through the CA as far as no. 49 New Street. From no. 49 onwards three storey properties of finer architectural detailing are found.
27. Reflecting an intricate historic evolution to the site, the northern boundary, demarcated by a substantial brick wall, is irregular and stepped. There are various ramshackle structures on site, including a lean-to with corrugated metal sheet roof using the irregular northern boundary as support. There are also several utilitarian timber framed structures clustered around the north of the site. They are workshop, or hangar-like, in appearance and construction, mostly clad with clapboard under profiled fibre cement.
28. To the west of the site is Drawwell Walk.¹¹ The Walk runs between the High Street a short distance to the south, to Pym's Road to the north, tracking behind the plots of properties along New Street. The Walk is historic, narrow and enclosed by a patchwork of boundary features of different eras. Rough-

¹¹ Footpath 0231/1R/1.

dressed local stone predominates nearer the High Street, varied eras of brickwork increasingly featuring heading northwards.

29. Beyond the Walk falls Wem Business Park. I understand that was formerly a brewery. Now it is a mixed commercial and industrial estate comprising around 40 units hosting various uses in various understated and functional buildings. Access to Wem Business Park spurs off New Street, running by the southern edge of the site. I note in that context that the site also falls within a protected employment area under SAMDev policy MD9.
30. Universally buildings and structures on site are in disrepair. That appears simply to have transpired incrementally over time, rather than by deliberate agency. There is a long history of permissions dating back to 2007 here, including 'the demolition of all buildings on site to facilitate residential development'.¹² Nevertheless the site, last used in part as a builders' yard, appears to have been left vacant for many years. At the time of my site visit an upstairs pipe had burst, damaging ceilings almost, it appeared, to the point of structural failure.
31. Workshop structures are clearly unsalvageable; structural trusses have broken and deformed, and roofs have caved in. The site also hosts a miscellany of building items, both openly stored and within shipping containers. Some of the site is consolidated hardsurfacing, or was at some point. Otherwise the site is laid with loose gravel. Some was either left to its own devices originally, or has since reverted to scrub. The site has been subject to vandalism and fly tipping.

Statutory and policy context

32. In summary, sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended place duties upon me to pay special regard or attention to the desirability of preserving listed buildings, their settings, and the character and appearance of conservation areas. Similarly summarised, SAMDev policy MD2, criterion 2. iii. and policy MD13, seek to ensure that development integrates suitably with the historic environment.
33. NPPF paragraphs 189 and 199 set out how great weight should be given to the conservation of designated heritage assets, irreplaceable resources, relative to their significance. Archaeology may be significant in itself, and may contribute to an understanding of the significance of other heritage assets. Significance may be affected indirectly, i.e. by virtue of changes to the surroundings in which an asset is experienced. Not all change is harmful, and not all elements of setting contribute equally to significance (or at all).
34. Arguably almost any building has some level of significance in physically embodying the past in the present; there is a continuum of significance, rather than abrupt distinction as to whether a building represents a non-designated heritage asset ('NDHA') or not. NPPF paragraph 203 sets out, however, that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.' SAMDev policy MD13 contains similar wording.

¹² Granted conditional planning permission 2 March 2010 (ref. 10/00041/CON).

NDHA

35. There is no dispute that 'Minton House' may fairly be described as an NDHA. As set out above, buildings on site have evidently been subdivided and internally altered over time. Some historic fabric and detailing, nevertheless, remains. Consistent with the observations in paragraph 4.11 of the appellant's updated Historic Impact Assessment ('HIA'), particularly within the southernmost of the buildings on site, the staircase, balustrades and tiling is historic. Insofar as relevant to this appeal, the significance of the NDHA results principally from its original form, embodied materials, craftsmanship and historic consistency with other properties within the CA.
36. Form and scale are, however, replicable. Whilst significance may not only lie in the original form of a building, successive alterations here have detrimentally affected integrity. Modern window openings have been inserted. Historic openings have been blocked up. Parts of the buildings have been rendered, or finished internally, with modern materials. By consequence, and also by virtue of being vacant for some time, building fabric has significantly degraded. The buildings on site, moreover, are not a particular architectural rarity. Whilst there is limited evidence as to what has become of any remnants of buildings mapped here in 1631, there is nothing to indicate that buildings presently have any particular associative or cultural significance. Those factors serve to qualify significance.

Archaeology

37. The line of former castle ramparts is shown cutting across the site in the Ordnance Survey map of 1881. Trial trenches dug revealed subsurface alterations including historic ditches, albeit little by way of structures as opposed to earthworks (paragraphs 4.1 and 4.2 of the Archaeological Evaluation, 'AE'). There is limited consistency of land apportionment or building footprint comparing present circumstances with the plan of 1834 reproduced in the AE. Consistent with its previous use and alterations to buildings, the AE identified subsurface remains of demolition rubble, and also of a sunken concrete wall. Accordingly, in my view recording of any archaeological significance encountered during construction could be suitably and proportionately addressed via condition (were the scheme acceptable overall).

CA and listed buildings

38. Wem, the name of the Town deriving from Old English, has an intricate history. I understand that the castle, the site of which is scheduled, was ruined by 1290 and destroyed by 1460. Wem played a notable role in the English Civil War. As reflected in the CAA, the eighteenth and nineteenth centuries represented a period of economic prosperity associated with the construction and operation of the Shropshire Union Canal. Many buildings were consequently built, rebuilt or altered around that juncture.
39. The CA is principally concentrated around the historic line of the High Street, arcing around the site of the former castle. The appeal site falls within a northwards spur of the CA. That part of the CA represents something of a later medieval, and after that polite, expansion of the Town. Based on map regression, the AE indicates Drawwell Walk was part of that expansion, originally providing access to burgage plots off New Street.

40. The CA is therefore based on a medieval street layout, which in turn reflects a long continuity of settlement beforehand. Streets are narrow and winding commensurate with medieval and earlier patterns of building. As at New Street, properties tend to be set hard up against pavements. Those characteristics result in a sense of intimacy and enclosure.
41. Medieval properties sit next to later neo-classical architecture. Or, in the case of grade II listed 46 and 48 Noble Street, where timber framing is exposed behind a later brick façade, together. That reflects the organic, incremental growth of the Town over time and the alteration of buildings. Whilst the overall scale and height of properties within the CA varies, nevertheless buildings within the CA predominantly honestly attest to the structural limitations of historic construction. Most are two or three storeys; I was unable to identify any of four storeys in the vicinity of the appeal site.
42. Local stone and red brick predominates reflecting historic materials and craftsmanship. Some Georgian properties, or Georgian additions, incorporate stone from elsewhere, potentially transported via canal. Unsurprisingly the architectural detailing of medieval properties is limited, albeit that much has been overwritten. By contrast at polite buildings such as Grade II* listed Park House,¹³ behind a commercial garage opposite the appeal site, there is elaborate ornamentation (notably an imposing pediment hosting a coat of arms with swags).
43. Insofar as relevant here, the character and appearance of the CA derives principally from the arrangement of properties relative to one another and to streets, architectural variety in scale, materials and details, and a sense of intimacy. Importantly those characteristics authentically reflect the origins and evolution of the Town, and also wider economic and social change.
44. The three nearest listed buildings to the appeal site are Park House, grade II listed Old Hall to the south-east, and Roseville House on the opposite side of the access to Wem Business Park. Similar to nos. 46 and 48 Noble Street, the list entry indicates that Old Hall originated as an early seventeenth century timber-framed house,¹⁴ later altered by way of a nineteenth century brick wing. On account of screening within the plot of Old Hall, its distance from the site, and presence of intervening features including New Street, there is little meaningful interaction between the two. Roseville House is a classic example of a symmetrical late Georgian design.¹⁵ The surroundings in which Park house and Roseville are experienced are in part the CA; their significance is intertwined.
45. As a whole, in its present state, aside from in respect of the NDHA and archaeologically, the site detracts from the CA. The buildings on site, as seen from the public realm, appear dilapidated and also on account of later alterations possess little visual historic integrity. More broadly, the site has fallen into neglect. Given the close-knit nature of the CA, there is no particular significance attributable to part of the site being open (notwithstanding that it would have been so at some point in history).

¹³ List entry no. 1308007.

¹⁴ List entry no. 1055442.

¹⁵ List entry no. 1055441.

46. I have also referenced above how New Street diverges to some extent from other elements of the CA by being a medieval, and later polite, projection beyond the High Street. The uniformity of terraced properties there, and the setback of nos. 51 to 61 from the pavement, is atypical. Neither the garage between Park House and New Street, nor Wem Business Park contribute positively to the CA by virtue of their utilitarian forms. I also accept that in proportions, articulation, materials and architectural detailing, the proposal would take certain design cues from its surroundings. The proposal would also screen Wem Business Park from view from certain vantage points.
47. However that the site detracts from character and appearance, and that historically permission was granted for demolition of the buildings on site, does not indicate that the proposal would be acceptable considered with reference to the significance of the CA as a whole. For five principal reasons harm would instead result.
48. Firstly properties within the CA tend to be set hard up against pavements. That arrangement contributes to historic authenticity reflected in a sense of intimacy and enclosure. By contrast the proposal here would be set back from the pavement behind a low front boundary wall. The appellant's suggestion that planting might be introduced there would further mean that the relationship of the proposal to the street diverges from local character.
49. Secondly, as alluded to above, the level of density proposed here would vastly exceed that which typifies the CA. I have reasoned that the intrinsic nature of the CA results in large part from the limitations of historic construction, and that the pattern of development results from the incremental overlay of different eras of development. As noted in respect of living conditions the foregoing results in a far lower prevailing level of density than is proposed.
50. Thirdly, whilst density is a crude proxy for effects, the level of residential density proposed results in a bulky and unrelieved form to the proposed building. That contrasts with the characteristic liveliness and intimacy of much of the CA, which again honestly reflects the evolution to the Town and is integral to significance. There are few, if any, examples of buildings of comparable overall scale or overall mass in the area. Accordingly the form of the building would be wholly out of keeping with the prevailing organic and intricate nature of the CA as a whole.
51. Fourthly, the proposal would be four storeys in height. That would be readily apparent from New Street by virtue of the arrangement of windows in the east-facing gable elevation.¹⁶ That would also be perceptible, albeit to a lesser extent by virtue of accommodating the fourth storey within the roof slope served by roof lights, approaching the site from the south.¹⁷ The ridgeline of the eastern elevation of the proposed building would be significantly higher than neighbouring no. 19 and properties beyond.
52. I acknowledge that there are buildings of comparable or greater overall height nearby, including Park House. However as set out above, I was unable to

¹⁶ See plan 3.03 Revision C in particular.

¹⁷ See plan 3.04 Revision C.

identify comparable examples of four storey buildings within the CA. Fifth, by virtue of what appears to be plant provision, the roof form proposed would be somewhat complex, bulky and functional. Whilst I accept that likely stems from the practicalities of servicing such a building, nevertheless that would add to the discordant overall form of the building.

53. By consequence, the proposal does not respond appropriately to its surroundings. Whilst NPPF paragraphs 124 and 125 encourage making efficient use of land, in my view the corollary of the proposal seeking to do so in this instance would be insensitively designed development. The proposed building would unduly draw the eye, jarring with prevailing consistency and competing with the form of Park House in particular. The scheme would thereby detract from historic integrity, entailing harm to the character and appearance of CA and setting of Park House and Roseville House.

Consideration

54. Drawing together my reasoning above, notwithstanding that the significance of the NDHA is qualified and archaeological interest could be suitably addressed via condition, the proposal would intrinsically result in harm by virtue of demolition. Albeit that the site as a whole detracts visually from the WCA, nevertheless by consequence of representing a discordant addition therein, the proposal would fail to preserve character and appearance to the detriment of significance. That would be in conflict with the clear expectations of statute.
55. The extent of harm, and the weight that should carry, is a matter of judgement. For the reasons given in paragraphs 45 to 46 of this decision the harm arising may fairly be described as less than substantial within the terms of the NPPF. The harm arising would also, logically, differ in respect of the NDHA, CA and setting of listed buildings considered individually (significance and effects are, to some extent, different in each respect).
56. Nonetheless, NPPF paragraph 200 sets out how any harm to, or loss of, the significance of a designated heritage asset should require 'clear and convincing justification'; 'less than substantial harm' is not synonymous with less than substantial weight in decision-taking. NPPF paragraph 202 further sets out that in circumstances where development will lead to less than substantial harm, that should be 'weighed against the public benefits of the proposal including, where appropriate, securing 'optimum viable use'. I will turn to that balance after addressing the third main issue.

Living conditions, neighbours

57. As in respect of buildings on site nos. 19, 21 and 23 New Street beyond to the north are modest traditional terraced properties. Consistent with that layout, and on account of the limited width of properties and intervisibility between gardens by consequence, prevailing levels of privacy here are qualified. There is, however, a generous separation distance between the rear elevations of those neighbouring properties and Drawwell Walk, significantly greater than that which prevails in respect of rear gardens elsewhere in Wem. First floor rear windows at nos. 19, 21 and 23 face squarely westwards towards Drawwell Walk, as opposed to towards the appeal site.

58. The plot boundaries of nos. 19, 21 and 23 are not shown on the supporting plans. They are somewhat complex to put into words. There is moreover no definitive information before me as to their relationship to one another. Nonetheless, as noted above, the northern site boundary is stepped. Proceeding from New Street to Drawwell Walk, the boundary first flanks the southern elevation of no 19 passing under the arch. Moving westwards it then steps slightly behind the rear elevation of no 19. A very short distance beyond a single storey extension to no 19, the site boundary extends further behind no. 19 (so as to approximately align with the elevation of the single storey extension at no.19 facing towards no. 21).
59. The northern site boundary is demarcated by a wall sufficient to accommodate a roughly standard height gate by no. 19 with rounded brick arch above (about 28 brick courses high). The single storey extension at no. 19 is attached to that wall and extends above it by a further brick course, fascia board and monopitched felt roof upstand. Beyond the lean-to referred to above, the site boundary thereafter returns to initial alignment immediately to the rear of no 19. From there heading westwards the boundary is demarcated by a more substantial wall, some 42 brick courses high.
60. Brick courses are inevitably a crude reference point, varying amongst other things on account of ground level, mortar joints and coping stones. However, by way of rough comparison, the principal elevation of no 19 is about 63 brick courses tall. Therefore the lower section of boundary wall is just above the brick headers to the ground floor principal elevation windows of no 19; the taller section roughly level with the sills of first floor windows.
61. Judging by what I saw, in a similar manner to properties northward beyond no. 23 New Street, initially the gardens of nos. 19, 21 and 23 are subdivided east to west (continuing the line of party walls). However around where the appeal site boundary wall cuts significantly behind the rear elevation of no. 19, that arrangement appeared to change; the area beyond appearing demarcated running north to south.
62. Effects to living conditions are inherently dependent on perception, different individuals having different sensitivities. Nevertheless, inherent in my reasoning above is that the principal aspect through the rear elevation windows at nos. 19, 21 and 23, and also within gardens initially is westwards (rather than towards the appeal site). In revisions to the scheme considered by the Council at application stage, windows within the northern elevation of the northern wing of the proposal would be provided at first and second storey level by way of "V" shaped one-sided bay(s).¹⁸
63. Whilst not a characteristic architectural feature of the area, those bays would allow views north-westwards, baffling views towards the rear elevations of neighbouring properties. By consequence, given existing levels of intervisibility, and the separation distance between the rear elevations of neighbouring properties and Drawwell Walk, the proposal would not result in undue overlooking or loss of privacy.

¹⁸ Plan 3.02 Revision C.

64. My reasoning above illustrates that there is already a notable sense of enclosure to the rear of no. 19 in particular, but also to a declining extent at no. 21 and no. 23 respectively. However, the ridgeline of the proposed building next to no. 19 would be significantly higher than at present. Whilst a pedestrian access would be maintained to the rear of no. 19, the form of the building would also be set closer to that property than the outrigger partially accommodating Minton Flat.
65. The northern wing of the property would also comprise three storeys as opposed to two, reaching far higher than any element of the existing boundary wall.¹⁹ Whilst there is a mixture of two and three storey dwellings throughout Wem, I was unable to identify any comparably close inter-relationships between differently scaled buildings within the immediate vicinity of the site. Arguably the existing sense of enclosure at nos. 19, 21 and 23 places some greater importance on maintaining that openness which remains.
66. In that context the proposal would adversely affect the living conditions of the occupants of neighbouring properties by virtue of resulting in an overly-dominant, enclosing presence. As in respect of outside space on-site, there appears to be no substantive evidence before me in respect of natural light. Although the availability of natural light to the rear of nos. 19, 21 and 23 is likely limited, as the proposal falls squarely to the south of those properties, there is clear potential for additional overshadowing.
67. I acknowledge that a revival of an existing commercial use on site may result in noise and disturbance. However there is nothing to indicate that the last use of the site as a builders' yard was unauthorised. There is no evidence of complaints here previously. Moreover, on the appellant's own marketing evidence, there is little prospect of a comparable use being re-established.
68. Regardless of my reasoning in respect of natural light, I conclude that the proposal would fail to ensure appropriate living conditions for the occupants of neighbouring properties. The proposal would thereby conflict with the relevant provisions of CS policy CS6 and NPPF paragraph 130. f) which, in summary, seek to ensure that all development is appropriately designed with reference to its surroundings and ensures a high standard of amenity.

Other matters

69. The proposal would entail various benefits. Chief amongst them, in the context of an ageing demographic, would be the provision of retirement apartments. Similarly in the context of current housing affordability pressures,²⁰ the proposal seeks to provide 5 affordable units. The appellant states that would exceed the 10% 'stipulated by policy CS11'. 10% does not, however, appear to feature in policy CS11. That percentage instead appears to reflect the position of the Council's affordable housing officer,²¹ the evidence base for which is unclear. The proposal would bring a vacant site back into productive use, an aim which has generated local support. The scheme would also result in employment during construction and operation, and future occupants would

¹⁹ It is unclear on what basis the appellant refers to the northern wing as 2.5 storeys, with reference both to the plan reproduced under paragraph 5.12 of their statement of case and the reference to a 3 storey element in their additional final comments submitted at appeal.

²⁰ Including with reference to paragraph 5.15 of the CS, and as referenced in the supporting officer report.

²¹ Officer report, paragraph 4.1.2.

bring trade to local services and facilities. I also acknowledge that the site has attracted no substantive interest to extensive marketing for an ongoing commercial or employment use.²²

70. There are several other ostensible public benefits listed in the appellant's statement of case.²³ I have addressed the open space contribution above. There is nothing to suggest, however, that 'investor confidence in the town of Wem' is lacking; sites 'stall' for various reasons. Contrary to the appellant's assertion of 'no apparent evidence of new housing delivery in Wem Town Centre since the adoption of the SAMDev in 2015', the Council have indicated significant levels of delivery nearby.²⁴ Whilst CS policy CS1 seeks to deliver 'around 27,500 new homes', with reference to paragraph 5 of this decision, there is nothing to indicate that anticipated delivery across the County is faltering, or will do so in the foreseeable future. The appellant's reference to optimum viable use in respect of the site, a term used in NPPF paragraph 202, is difficult to understand (given the designated heritage asset in which the appeal site falls is the CA).
71. Moreover there is no precise enumeration of the need for retirement apartments in this location. 10% affordable housing falls short of the overall 33% affordable housing target set out in CS policy CS11, and there is no robust evidence before me as to the derivation of 10%, or in respect of viability. The sole reference I can find to viability is the passing statement in paragraph 2.4 of the appellant's planning statement, which is that 'viability must be an important consideration and it is considered that as now amended, the proposal with the number of units proposed will still be viable'. The UU contains provisions in respect of viability, albeit potentially incomplete and subject to drafting errors noted previously. Consequently on the basis of the evidence before me I cannot definitively say that the proposal would achieve 10% affordability, nor understand why that level of affordable housing provision has been advanced relative to any other proportion.
72. The foregoing in respect of viability is significant; viability inevitably tethers what is achievable on a given site. In the absence of robust evidence in that respect I cannot rationally reach the view that the scheme is the only option for bringing the site back into productive use, noting that permission has previously been secured for 14 dwellings in that context (a residential density of around 53 dwellings per hectare). Other schemes in theory, including those potentially less harmful to heritage, may have similar potential in terms of economic and social benefits. Similarly there is nothing to suggest that an alternative proposal of whatever form would be unable to provide a footpath link to Drawwell Walk.
73. Summarising my reasoning above, the proposal would undoubtedly result in certain public benefits. However there is limited evidence in those respects, insofar as they serve to justify the specific proposal before me. The public benefits of the scheme therefore do not outweigh the harm to heritage that would result within the terms of NPPF paragraph 200, nor are any other material considerations of sufficient collective weight to overcome the harm resulting from conflict with relevant provisions of the development plan.

²² Appellant statement of case, paragraph 5.24.

²³ Paragraphs 5.23 and 5.24.

²⁴ Council statement of case, paragraph 5.45.

Conclusion

74. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Tom Bristow

INSPECTOR



Appeal Decision

Site visit made on 9 January 2023

by Tom Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/L3245/W/22/3303850

Henlle Park Golf Club, Henlle Lane, Gobowen SY11 3LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr R. Tomley and Coppergreen Developments Ltd. against the decision of Shropshire Council.
 - The application Ref 21/02981/EIA, dated 8 June 2021, was refused by notice dated 22 February 2022.
 - The development proposed is described on the application form as 'use of part of existing golf course for stationing 90 holiday lodges with associated roads, drainage and associated works.'
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Notwithstanding earlier iterations, each proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan here includes policies of the Shropshire Core Strategy (adopted February 2011, the 'CS') and of the Site Allocations and Management of Development Plan (adopted December 2015, 'SAMDev'). Neither main party has referred to policies of the emerging Local Plan, currently at examination, in furtherance of their case.
3. I have had regard to various other material considerations, including the National Planning Policy Framework ('NPPF'), the Planning Practice Guidance, Historic England's guidance on the setting of heritage assets (Good Practice Advice in Planning Note 3, second edition), and the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment, third edition (updated November 2021, 'GLVIA3'). The proposal is 'EIA' development.¹ I have therefore had regard to the associated Environmental Statement.

Main issue

4. The main issue is the effect of the proposal to heritage and the landscape.

Reasons

The site

5. The site amounts to about 9.6ha of land central to the wider 52ha golf course, albeit with a taper to provide access to an area of hardstanding by the club

¹ Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended.

house.² Although the golf course has been maintained as such, it ceased operating on 28 March 2022. Of an 18 hole course, 9 would remain available. Their use would, however, be restricted to holidaymakers (as would be secured via the planning agreement of 21 November 2022).³ There are various heritage assets nearby, notably three scheduled sections of Wat's Dyke beyond Preeshenlle Lane tracking by the course to the east, and Henlle Hall towards the north. Henlle Lane falls to the west, beyond which in short order is the A5. Gobowen is broadly to the south. There is the Lion Quay Hotel to the north between the site, A5, and the winding course of the Shropshire Union Canal.

The proposal

6. In summary the proposal is for 90 lodges dotted about the appeal site. The appellant states that they would have a combined floorspace of 5,414sqm, representing some 2.3% of the site.⁴ Amongst other documentation, the proposal is supported by a site layout plan, lodge floorplans and elevations, an Earthworks Strategy,⁵ and, noting that the site is subject to a Tree Preservation Order, an Arboricultural Impact Assessment ('AIA'),⁶ and a mitigation planting plan.⁷

Heritage assets, statutory and policy context

7. In this instance matters of heritage and landscape are intertwined. In summary section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended places a duty upon me to have special regard to the desirability of preserving listed buildings or their settings. Likewise, and in summary also, SAMDev policy MD2, criterion 2. iii., and policy MD13 seek to ensure that development integrates suitably with the historic environment. NPPF paragraphs 189 and 199 set out how great weight should be given to the conservation of designated heritage assets, irreplaceable resources, relative to their significance.
8. Significance may be affected indirectly, i.e. by virtue of changes to the surroundings in which an asset is experienced. Not all change is harmful, and not all elements of setting contribute equally to significance. As noted in the appellant's heritage Statement of Evidence ('SoE'),⁸ albeit that the visual dimension of setting is often important, that is not the sole manner in which the surroundings in which an asset is experienced may contribute to historic integrity.⁹ The SoE reviews an earlier Heritage Statement ('HS').¹⁰
9. CS policy CS5 seeks to control development in the countryside in accordance with national planning policies. In summary, and amongst other things, CS policies CS6 and CS17 set out how development should appropriately protect the natural and historic environment. NPPF paragraph 174, criteria a) and b)

² Plan entitled 'Henlle Location 1-2500' showing the distinction between the appeal site, edged red, and wider land ownership edged blue.

³ Leading National Highways to recommend that conditions should be attached to any planning permission in that respect, with reference to their earlier concerns over effects on the A5 and A5/B5009 junction.

⁴ Albeit the parameters for that calculation are unclear, and numbers are inevitably a crude proxy for effects.

⁵ Prepared by Jackson Design Associates, ref. 21-2332-ES, September 2021.

⁶ Prepared by Tree 21 Limited, ref. 210525-2.0-AIA-HGC-T21-MW, May 2021.

⁷ Plan no. 3050-001, Revision E.

⁸ Prepared by Winterburn Heritage & Planning, July 2022.

⁹ The SoE citing *R. (on the application of Palmer) v Herefordshire Council* [2016] EWCA Civ 1061, and *Catesby Estates Ltd and SSCLG v Steer* [2018] EWCA Civ 1697 in that context.

¹⁰ Prepared by Kembertons.

set out how planning should contribute to and enhance the natural and local environment, including by protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside.

10. Arguably almost any building, or human intervention in the land, has some level of significance in physically reflecting the past in the present. There is a continuum of significance, rather than abrupt distinction as to whether something represents a non-designated heritage asset ('NDHA'). NPPF paragraph 203 sets out, however, that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application....' SAMDev policy MD13 is similar.

Scheduled monuments

11. Amidst other assets nearby as identified in the HS, the golf club falls relatively close to three scheduled sections of Wat's Dyke.¹¹ Roughly, Wat's Dyke represents the alignment of Preeshenlle Lane here. Preeshenlle Lane is narrow and enclosed to varying degrees, whether by ditches, embankments, sections of Wat's Dyke or hedgerows.
12. Preeshenlle Lane provides access to grade II listed Henlle Hall,¹² in place of a former westwards-orientated historic access. It curves from the Hall north-westwards, turning into Preesgween Lane, heading towards Henlle Lane. There Preeshenlle Lane arcs around the plot of Gardeners' Cottage (an historic property). Gardeners' Cottage falls beyond the grade II listed stable block to the north-west of the Hall.¹³
13. Beyond Gardeners' Cottage there is a scheduled section of Wat's Dyke, falling in the landform to the course of the Canal.¹⁴ That 'northern' section of the Dyke appears as a substantial embankment. It is now in large part wooded and subsumed with self-seeded vegetation. Albeit not readily appreciable as a human intervention in the landscape at first glance, it nonetheless diverges markedly from the otherwise generally more level surroundings either side.
14. Heading southwards, Preeshenlle Lane is broadly straight. Aligned roughly centrally with the golf course there is another, shorter, scheduled section of the Dyke.¹⁵ That 'middle' section falls to the east of Preeshenlle Lane between Walnut Lodge, and a collection of what appeared agricultural buildings associated with grade II listed Preeshenlle Farmhouse.¹⁶ Grade II listed Preeshenlle Old Hall and associated buildings fall a short distance further southwards,¹⁷ to the west of the track. By virtue of its limited length, surrounding visual context, and on account of the partial infilling of the ditch that would have existed here previously, the central section of the Dyke is less readily apparent than the northern section.
15. To the south of Old Hall there is a further scheduled section of Wat's Dyke.¹⁸ The list entry describes how the embankment of that 'southern' section varies

¹¹ Under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 as amended.

¹² List entry no. 1054226.

¹³ List entry no. 1177614.

¹⁴ List entry no. 1020615.

¹⁵ List entry no. 1020561.

¹⁶ List entry no. 1054228.

¹⁷ List entry no. 1177650.

¹⁸ List entry no. 1020617.

from about 2m in height, comparable with the northernmost section, to 0.4m heading southwards. The southern section is, however, partially overlain by Preeshenlle Lane. Eventually interrupted by the River Perry and a handful of dwellings, the southern section of the Dyke extends near to scheduled Bryn-y-Castell (a substantial oval-shaped mound, formerly a motte castle).¹⁹

16. The form of Wat's Dyke has softened over time, whether by virtue of agency, nature, or both. Superficially it is difficult to tell where human interventions in the landscape begin or end. However the condition of the sections of the Dyke here might be described as honest. They reflect the passage of centuries, rather than necessarily being in 'poor' condition (as is referenced in the HS).
17. Wat's Dyke, elsewhere also a ditch and bund of variable size and perceptibility, runs between the Dee Estuary by Holywell and the River Morda. It is commonly seen as representing the eastern boundary of the Welsh or Brython kingdoms at some point around the eight century, with the kingdom of Mercia beyond (a precursor to Offa's Dyke).
18. The Dyke was intrinsically constructed of, and by modifying, the land. It incorporates older fortifications such as Old Oswestry Hillfort some distance away. Other features have also been subsumed within its line reflecting a long and complex history of human settlement and cultural change (including as reflected by Bryn-y-Castell which was a medieval fortification).
19. Insofar as relevant to this appeal, the significance of nearby scheduled sections of the Dyke lies in their form, construction, potential archaeology and importantly their interaction with their wider surroundings. That interplay of form and surroundings, along with the evolution of the landscape and built environment, collectively attest to broader historic and cultural trends. Their significance is far from solely visual.

Listed buildings and NDHA

20. Listed buildings add to the historic palimpsest that this area represents. To varying degrees their significance partially derives from the landscape in which they are set. The list entries referenced above indicate that Preeshenlle Farmhouse and Old Hall trace their origins to the eighteenth and sixteenth centuries respectively. Whilst featuring varied intricate brickwork, both are less grand than Henlle Hall (representing something of a transitional phase between vernacular and 'polite' architecture).
21. On account of the broadly level topography around them, the dense band of trees and vegetation to the east of the golf course, and the intervening distance between them and the appeal site, there is little, if any, intervisibility. Aside from broadly reflecting the evolution of the wider area, there is also nothing to indicate a particular associative, cultural or other resonance between the site and Preeshenlle Farmhouse or Old Hall.
22. Henlle Hall falls closer to the appeal site, some 70m at its nearest. The Hall is grand, consciously designed to be so. Its current form likely traces its origins to the late eighteenth century. Consistent with an understated Georgian aesthetic, the Hall is of neo-classical proportions and Italianate. The list entry describes

¹⁹ List entry no. 1019835.

how elements, notably the veranda and service range, are latter nineteenth century additions. The stable block, effectively occluded behind the north-western elevation of the Hall, is of broadly consistent era and character. Albeit that the Hall, as with many buildings in Shropshire and elsewhere, represents the rebuilding of a former property, its Georgian form roughly aligns with the economic and social change associated with the opening of the Canal.

23. Similarly consistent with approaches to landscape architecture of that era, the Hall falls within extensive, varied grounds. The Historic Environment Record ('HER'), sets out how a 'park' was created around the same time as the Hall was rebuilt,²⁰ albeit that some earlier landscaping was retained (notably fishponds close to the Hall).
24. Making best advantage of views westwards across the declining topography the HER entry explains that that 'a small park stretching west of the house, with belts of trees around its edges (especially to the south)...' was established during the 1790s. I understand that the land associated with Henlle Hall expanded to the north by 1802, and to the south by 1839. That latter expansion extended to just north of Bryn-y-Castell. References to 'the former park' in this decision include land encompassed by that latter phase of expansion.
25. I am also told that Dr. Paul Stamper's work in the 1990s, which underpins much of the HER entry, indicates a different planting concept emerging at some juncture between 1839 and 1875. Around then a more naturalistic pattern of widely scattered parkland appeared, as opposed to an earlier clearer-cut separation of landscaped and informal grounds. Albeit that the former park has changed in extent and nature over time, it is not in dispute that it represents an NDHA.
26. Insofar as relevant to the appeal, the significance of Henlle Hall derives from its architecture, design and relationship with surrounding land. There is now limited intervisibility between the former park and Hall, including by virtue of the intervening presence of holiday lodges created in association with the Hall (loosely scattered closer to it than the appeal site). However there is more clearly an historic connection between the former park and Hall. Significance here is not only embodied in the original form and layout of buildings and the surrounding landscape, but also in how alterations honestly attest to changing social and economic trends and philosophies over time.

Landscape

27. The appellant's Landscape and Visual Impact ('LVIA'),²¹ referencing GLIVIA3, sets out that the site falls within the 'principal settled farmlands' landscape character type. That is as described in the Shropshire Landscape Typology document (2006, 'SLT'). More broadly to the west the LVIA study area extending beyond the appeal site falls also within 'pasture hills' and the 'high enclosed plateau' SLT landscape typologies. Those landscape types differ topographically, but in terms of land use and pattern bear some similarity.

²⁰ Principal Record no. 07629.

²¹ Prepared by Lingard Farrow Styles, ref. 3050-LVIA, revision C. (October 2021).

28. In respect of the principal settled farmlands typology, one common to Shropshire, the SLT identifies a characteristic 'medium' scale mixed farming landscape with a varied field pattern. The lack of 'significant woodlands' is noted, as are 'small pieces of ancient woodland and plantation'. Whilst now maintained as a golf course, the site nevertheless appears on the ground as essentially natural, gently undulating, and predominantly open aside from a peppering of mature trees. It is therefore broadly consistent with landscape character here.
29. With reference to landscape sensitivity, receptors and susceptibility, the LVIA reaches the view that the effect of the proposal would in certain respects be 'slight adverse becoming slight beneficial after 3-5 years as planting establishes.' The LVIA rationally finds wider effects to be more diffuse and less significant. In that context I note that there is a public right of way crossing the golf course,²² roughly from the club house laterally to near Old Hall.
30. GLVIA3 puts methodological rigour to assessing landscape value and effects. However such assessments are inherently reliant on a sequence of judgements. Amongst other things, those judgements relate to perceptual and associative values, the uniqueness or representativeness of a given site in its surrounding context, and also the scale at which that surrounding context is drawn. Different individuals applying GLVIA3 may therefore rationally come to different assessments of landscape value, and in respect of the effects of a scheme.

The landscape and heritage value of the site

31. At some point in the twentieth century parts of the former park were brought into agricultural use and managed accordingly (including via seeding, harrowing and rolling). That likely resulted in the thinning of former clusters of trees. Ownership, curtilage and significance are different concepts. Nevertheless, I am told that much of the former park associated with the Hall was sold separately in 1970.
32. The golf course was thereafter laid out in the early 2000s, a process which also entailed change. There are certain pictures of that process before me, albeit apparently principally related to the area around the club house and site access. It is not possible either to attribute, or to accurately gauge the extent of, any changes to the appeal site specifically based on that information.
33. That points to something of a contradiction in the appellant's evidence. The HS states that 'a lot has changed'. However it notes that during the construction of the golf course 'a number of features from the original park, have, nevertheless been retained...', and also that the course retains a 'parkland' feel. Whatever word or phrase is used to describe value, effects or weight in decision-taking is inevitably imperfect. Nevertheless the parkland feel of the site is, in my view, an apt descriptor of the current nature of the appeal site. Changes over time do not appear to have significantly eroded a seemingly natural, open character interspersed with consciously-planted trees.
34. Furthermore, the course was evidently laid out working broadly with the contours of the land, avoiding existing features including ponds and trees. Map regression shows continuity over time. Despite latter alterations, the NDHA

²² Footpath 0310/3/1 running broadly next to the club house laterally across the site towards Old Hall.

embodies or represents a fair, or moderate, degree of significance in itself along with contributing to wider landscape character.

35. As acknowledged by the Council inter and intra-visibility between the site and the Hall, including by virtue of the landform, holiday lodges and trees referenced above, is 'negligible'. I was also unable to see the scheduled sections of the Dyke from the appeal site by virtue of the topography and intervening features. However following on from the foregoing reasoning there is nonetheless some value of the site to the significance of both. The site contributes to a limited degree to the setting of Henlle Hall, enabling an understanding or appreciation of history in the present, and changing approaches to land management over time.
36. By virtue of the extensive setting to Wat's Dyke, and by reflecting in part Georgian interventions in a landscape, the historic connection of the site to the scheduled sections of the Dyke is lesser. However it is not absent. As set out above the landscape here is characterised by a long continuity of use, settlement and reapportionment, the limits of the former park itself reflecting a centuries-old constraint. Including walking west to east across the footpath bisecting the golf course, the site also enables an appreciation of the essence of the landform and rural context in which the Dyke emerged (and, to some extent, still lies).

The effect of the proposal

37. I have set out above how there is a differential landscape or heritage value to the site, including in respect of contributing to the significance of the Hall and scheduled sections of Wat's Dyke. Whilst, with reference to NPPF paragraph 199, the distinction between 'substantial' and 'less than substantial' harm is essentially binary, I am effectively presented with four perspectives on the proposal's effects.
38. In summary, Historic England is of the view that less than substantial harm would result. The Council go further in advancing that the less than substantial harm would be 'at the middle and upper end of the scale.'²³ The appellant's HS states that the proposal would 'not impact on any of the heritage assets...'.²⁴ The SoE instead makes the case that any less than substantial harm would be 'at the lower end of the scale'.²⁵
39. In short the SoE position above aligns with my independent assessment. In all respects the value of the site to landscape character and historic significance is either moderate or limited on account of various factors. The proposal would leave much of the former park unaltered. As with the layout of the golf course, the scheme would essentially work with the contours of the land and existing landscape features. The holiday lodges themselves, albeit standardised in form, would be modest. They would be arranged relatively sparsely. Only three existing trees of many would be felled (the contribution of which to local

²³ Paragraphs 3.4 and 3.5 of the Council's statement of case.

²⁴ Paragraph 8.13.8.

²⁵ Paragraph 5.3.

character is, in summary, limited).²⁶ Extensive planting is also proposed,²⁷ which would soften, or partially occlude, the lodges from view.

40. Nevertheless the proposal would diverge from prevailing landscape character by introducing significant built development. The extensive planting proposed would also diverge from landscape character and the existing nature of the site, limiting an appreciation thereof as much as screening some of the development proposed. I therefore do not agree that the effect of the proposal would become slightly beneficial over time.
41. The nature of the intervention proposed is also more significant than the figures quoted in paragraph 6 of this decision suggest. Paths amounting to some 6,195sqm would be laid out. The Earthworks Strategy indicates that cut and fill would affect 706.42 and 693.45 cubic metres respectively. As a whole the scheme appears to represent a far more significant alteration to the landscape than has occurred here previously as a result of changing uses and apportionment over the course of the twentieth and twenty first centuries.
42. Moreover the scheme would fall centrally within the golf course; I noted above that the pictures of previous earthworks are focussed around the club house and entrance. Whilst the former park of which the appeal site is part was a later addition to the holdings of the Hall, there is little affinity with other built development here (as opposed to around the A5 or Shropshire Union Canal to the north-west). In terms of function, the land itself is of primary importance to a golf course. The land itself would have also been of primary importance in respect of a former park or agricultural use. That would not remain the case in terms of holiday accommodation.
43. Although there are various moderating factors, the proposal would adversely affect landscape character, the significance of the NDHA, and result in less than substantial harm to the setting of Henlle Hall and the three nearby scheduled sections of Wat's Dyke. In that respect the proposal would conflict with the expectations of statute, the relevant provisions of CS policies CS5, CS6, CS17 and SAMDev policies MD2 (criteria 2. i. and iii.) MD11 (criteria 1) and MD12, insofar as they relate to ensuring development integrates appropriately with landscape, heritage and local character. Conflict would also arise with NPPF paragraphs 174, 189 and 199. Whilst the holiday lodges may fall within the statutory definition of caravans, there is no indication that the proposal is intended to be other than permanent (including in respect of earthworks).

Other matters

44. Development plans, and the NPPF, contain different provisions pulling in different directions; both should therefore be considered in their entirety. The development plan and NPPF accord in-principle support to tourism facilities (including via SAMDev policy MD11 and NPPF paragraph 84). Both reflect that tourist facilities may justifiably be located outside of settlements, for example to make advantage of scenic settings. In that context the proposal would have various benefits, including generating employment during construction and

²⁶ I saw that they are fairly categorised B, C and U in the AIA with reference to BS5837:2012, Trees in relation to Design, Demolition and Construction.

²⁷ 79 'extra heavy' standards, 4,490 sqm of native screen planting, 568 linear metres of native hedgerow.

operation and as holidaymakers would bring trade to nearby services and facilities.²⁸ The proposal has been met with some support with that in mind.

45. I understand, with the exception of 2017, the golf course has operated at annual loss since 2011. Some individuals may elect to holiday here on account of the landscape and heritage, and by consequence the development may enable more individuals to appreciate the surroundings than was previously the case. More broadly, as attested to by holiday accommodation nearer the Hall and at Lion Quay, tourism is a significant component of the local economy. The appellant has also engaged with Historic England regarding the intention to clear some scrub and provide public information to aid an appreciation of Wat's Dyke. There is also reference in the appellant's statement of case to 'fostering improvements to biodiversity', likely by dint of the landscaping proposed.
46. However the evidence in terms of the operation of the golf club since 2011, and its closure, is extremely limited. There is reference to membership declining, and to members registering elsewhere. The reasons underlying that are unclear. I am told only that the golf club has run at an annual loss since 2011, though I do not know the extent of any loss or the detailed circumstances behind that. There is no robust evidence as to whether those circumstances are representative of broader trends. As an illustrative counterpoint, income-based valuations are typically based on at least three years' worth of accounts (and entail considerations of what is a fair maintainable operating profit amongst other things).
47. In short the evidence before me falls short of demonstrating that the use of the site as a golf club is inherently unviable. It similarly falls short of justifying the harm that would result relative to any other use, which theoretically may entail less harm and also comparable biodiversity benefits (for example an active use based on the primacy of the land as referenced in paragraph 42 of this decision). Whilst there would be benefits, there is, in short, a logical disjuncture as to how they justify the particular proposal before me. There is furthermore no substantive information before me as to the planning circumstances that applied to the construction of holiday lodges closer to Henlle Hall. Theoretically they may have involved a combination of different factors, for example any heritage harm there may have been justifiably outweighed by something else.
48. The HS refers to the middle section of Wat's Dyke, in respect of which it is the appellant's intention to clear some scrub and provide public information, as within the ownership of the applicant.²⁹ However that is not shown on the location plan.³⁰ I cannot therefore be certain that those intentions would be achievable in practice, or, given that there is limited information in terms of what is proposed, gauge the effects of that proposed intervention. Even if I am wrong in that, the benefits of improving the legibility of Wat's Dyke would both be somewhat artificial relative to the present honest character thereof referred to in paragraph 16 of this decision, and would not offset the broader landscape and heritage harm that would result.

²⁸ As detailed in the appellant's Economic Impact Note prepared by Pegasus Group, ref. P21-1547 (21 June 2022).

²⁹ Under section 6.1.1.

³⁰ Plan entitled 'Henlle Location 1-2500'.

49. Moreover, neither the support for tourism development in the development plan nor NPPF is unconditional. SAMDev policy MD11 is qualified by according support to development that 'complements the character and qualities of the site's immediate surroundings...'. NPPF paragraph 84. c) is similarly qualified by supporting sustainable rural tourism which respects the character of the countryside. Whilst more individuals might come to the area by virtue of the scheme, that would be at the expense of significance.

Conclusion

50. I agree with the theoretical position in the SoE,³¹ in summary that a finding of heritage harm is not determinative of the outcome of a decision (which involves considering the full gamut of planning considerations). Nevertheless NPPF paragraph 200 sets out how 'any harm to, or loss of, the significance of a designated heritage asset... should require clear and convincing justification'. In that context, despite the qualified nature of the harm that would result, and even were the proposal acceptable in all other respects, that has not been demonstrated here. Inherent in my reasoning above is that the public benefits do not outweigh the harm to designated heritage assets that would result, nor do they, or any other material considerations, justify allowing the appeal in the light of conflict with the development plan considered as a whole. I therefore conclude the appeal should be dismissed.

Tom Bristow

INSPECTOR

³¹ Paragraph 4.29.



Appeal Decision

Hearing held on 28 March 2023

Site visit made on 28 March 2023

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/L3245/W/22/3312069

Lord Hill Hotel, Abbey Foregate, Shrewsbury SY2 6AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr W Sidell, SY Homes Limited against the decision of Shropshire Council.
 - The application Ref: 22/01740/FUL, dated 8 April 2022, was refused by notice dated 12 July 2022.
 - The development proposed is erection of two blocks comprising 32 residential apartments; associated demolition, parking, amenity areas and landscaping (resubmission).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the appeal form and decision notice in the interests of precision.
3. As the proposal is in a conservation area and relates to the setting of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The emerging new Shropshire Local Plan is yet to be finalised and adopted, and so carries limited weight. For the purposes of this decision, I refer to relevant policies of the adopted Shropshire Core Strategy (CS) and Shropshire Site Allocations and Management of Development Plan (SAMDev) that are part of the local development plan.
5. A draft agreement under Section 106 of the Town and Country Planning Act 1990 as amended, was presented prior to the hearing. This covers provision of affordable housing. This Section 106 planning agreement has been completed and informs consideration of the proposed housing.

Main Issues

6. The main issues in this case are:
 - Whether the proposed development would a) preserve or enhance the character or appearance of the Shrewsbury Conservation Area (CA), and b) preserve the setting of the Grade II listed buildings, The Lord Hill Hotel and Chaddeslode House; and

- The effect of the proposal on the living conditions of neighbouring occupants of Chaddeslode House, with particular regard to whether the proposal would have an overbearing effect on their outlook.

Reasons

Heritage assets

7. The CA covers a substantial part of central Shrewsbury. Abbey Foregate, in which the appeal site is located, is one of the distinctive Special Character Areas (SCAs) that make up the CA. The appeal site is an approximately U-shaped plot comprising land to the sides and rear of the Lord Hill Hotel listed building. The site fronts onto the historic Abbey Foregate road spine that runs through the SCA. Abbey Foregate's various historic residential properties are situated in the vicinity of the site along both sides of Abbey Foregate, to the north-west and south-east.
8. The approach to the appeal site from the north-west is characterised by the following combination of elements. Lord Hill's Column provides an authoritative terminating vista towards the south-western end of Abbey Foregate that is noticeable in linear views down the street and above some rooftops. Also, a variety of two and three storey, mainly older buildings face onto Abbey Foregate with various combinations of red brick walling, cream render, and pitched roofing. Together with chimney stacks, street and other trees and cobble surfacing, this general range of architectural scale and age provides some visual unity in the street scene. Old pubs and some commercial buildings are interspersed among residential townscape elements.
9. That said, there is some individuality of building profile and detailing along Abbey Foregate. Also, there are some sharper contrasts of juxtaposition of, for example, modern and older timber-framed buildings on the north-western approach on Abbey Foregate. And several more modern backland residential developments sit off Abbey Foregate. Also, approaching the appeal site from the south-east, the scale and post-war modernism of the Shirehall contrasts with some older residential architectural character, and Lord Hill's monumental eighteenth century column.
10. In the locality, some further variation from older built development is also provided by the following elements. The late twentieth century A5112 Bage Way ring road runs alongside the foot of a tall highway-side wall which retains the north-western edge of the appeal site. Bage Way opens up longer distance views including highway corridor and other vegetation, and the hill country horizon, which intersect the linear thrust of Abbey Foregate. A footway and cycleway run along the side of Bage Way, providing some additional views of the appeal site, the Lord Hill Hotel and the neighbouring Chaddeslode House listed building, and access to the Rea Brook Valley (RBV) Local Nature Reserve, including from Abbey Foregate.
11. The publicly accessible RBV green corridor is located to the south of the appeal site, towards the southern tip of the Abbey Foregate SCA. With its mix of waterbodies, wooded edges and flora including meadow, celandine and iris, the RBV's meandering footpath corridor is evidently popular with local townsfolk. Also, the sound and movement of traffic on nearby roads are noticeable from the RBV, as are other more recent urban infrastructure and buildings. These include several footpath tunnels under roadways, utility piping

- and the disused Wrekin Lodge accommodation block at the south-western end of the appeal site. Given this mix of elements, the stretch of RBV in the vicinity of the southern end of the appeal site reads 'on the ground' as a green corridor that serves, and is influenced in character terms by, the urban edge.
12. As such, approaches to the appeal site within the CA include some architectural harmony and some contrast, reflecting the evolution of the locality's urban townscape.
 13. The Lord Hill Hotel and Chaddeslode House listed buildings are two-storey brick buildings with pitched Welsh slate roofs, that were substantial suburban houses dating from the nineteenth century. The Lord Hill Hotel building was converted into a hotel in the twentieth century, with more recent buildings added behind. Development of the Lord Hill Hotel building is taking place for a scheme of conversion into townhouse units.
 14. The Lord Hill Hotel building has some ornamentation to its front facade, with a pedimented central bay with full-height shallow segmental arched recess containing a wide doorway. Chaddeslode House has some ornamentation, with its porch with Doric columns and moulded stone architrave and cornice detailing.
 15. From what I saw during my site visit and the evidence before me, the CA's significance, insofar as it relates to this appeal, lies in its historic townscape including Abbey Foregate's distinctive Georgian and Victorian architecture, which reflects Shrewsbury town's evolution from the medieval period to the twentieth century. Given the above, I consider the special interest of the Lord Hill Hotel and Chaddeslode House listed buildings, insofar as relates to this appeal, to be primarily associated with the legibility of their nineteenth century suburban architecture and identity.
 16. Former garden character behind the Lord Hill Hotel building has been diminished in the twentieth century by the addition of hotel car parking areas and modern buildings to the appeal site. However, that said, the historic architecture of the Lord Hill Hotel listed building is noticeable from various viewpoints in the locality, on Abbey Foregate, Bell Lane, the public footway and cycleway along the A5112 Bage Way, the appeal site and the adjacent residential development at Chaddeslode Gardens.
 17. The historic architecture of the Chaddeslode House listed building is noticeable from various local viewpoints, looking down the access off Abbey Foregate, on the Chaddeslode Gardens residential development, from the grounds of the Lord Hill Hotel building and looking across the appeal site, including from the public footway that runs off Abbey Foregate alongside Bage Way.
 18. As such, notwithstanding some more modern townscape changes in the locality, the appeal site contributes as part of the CA and setting of the Lord Hill Hotel and Chaddeslode House listed buildings, in providing opportunities for appreciation of the historic architecture and townscape of the designated heritage assets.
 19. The proposed development would entail removal of disused twentieth century buildings, and the addition of two new apartment blocks on land behind the Lord Hill Hotel listed building. Given their massing and modern appearance, the proposed substantial couple of apartment blocks would have more noticeable

architectural presence than the existing modern buildings that are proposed for removal. To some extent this would draw the eye away from the Bage Way road and towards the Lord Hill Hotel building, viewed from Abbey Foregate and around the junction with Bell Lane. Also, new buildings and landscaping of space around the new residential blocks would remove dilapidation distraction from the site behind the Lord Hill Hotel.

20. Furthermore, the authoritative linear influence of the vista towards Lord Hill's column along Abbey Foregate would endure. And, together, intervening buildings, structures and vegetation in the urban scene, and proposed new planting on the appeal site would go some way towards screening and moderating some views of the proposed apartment blocks development.
21. Also, within the context of the urban edge green corridor character of the RBV in the vicinity of the appeal site, the following combination of factors would help the increased architectural personality of the south-western elevation of the proposed development to assimilate acceptably in relation to the RBV. Proposed Block 2 would be set further back from the appeal site's south-western boundary than the existing former hotel lodge building. Proposed naturalistic tree and shrub boundary planting at the appeal site, and the existing draw of vegetation within the RBV would have some visually softening effect on the appearance of Block 2. The RBV's varied habitats and footpath network, and its accessibility at the urban edge are likely to continue to attract local residents' appreciative use in future. Thus, I anticipate that the RBV's urban edge green corridor character and amenity value would endure.
22. However, that said, given their combination of width, depth and height, and modern angular, flat-roofed block form and fenestration, the substantial combined modern mass of the proposed apartment blocks would overly visually compete with, and distract from the historic architecture of the Lord Hill Hotel listed building. These adverse impacts would be noticeable from various viewpoints on Abbey Foregate, Bell Lane, the public footway and cycleway along the A5112 Bage Way, the appeal site and the adjacent residential site at Chaddeslode Gardens.
23. Also, the proposed modern mass of the development would distract from the historic architecture of the Chaddeslode House listed building. This adverse impact would be noticeable from various viewpoints on the Chaddeslode Gardens residential site, from the grounds of the Lord Hill Hotel building, and looking across the appeal site including from the public footway that runs off Abbey Foregate alongside Bage Way.
24. Consequently, the proposed development would noticeably distract from the CA's historic townscape, viewed from various points along and in the vicinity of the stretch of Abbey Foregate between the junction with Bell Lane and Lord Hill's Column.
25. For the reasons described above, the proposal would harm the character, appearance and significance of the CA, and negatively impact on the setting and significance of The Lord Hill Hotel and Chaddeslode House listed buildings.
26. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the proposal, I find the harm to the CA and

listed buildings to be less than substantial in this instance, but nonetheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal.

27. While positive aspects of the proposal would go some way to soften its impact, there would still be residual net harm from a heritage perspective, because of the identified distraction from the historic architecture of listed buildings and the CA's historic townscape. Overall, there would be a moderate net adverse impact on the significance of the designated heritage assets in this case.
28. The proposal would contribute to local housing land supply, in the form of 32 apartments on previously developed land that is relatively accessible on foot and by some bus services to the town centre. Four of the apartments would be one-bedroom, 25 two-bedroom and three three-bedroom. Six would be affordable dwellings. The above would provide associated socio-economic benefits during and after construction. Also, it would help support delivery of housing on small and medium windfall sites within an existing settlement, as promoted in paragraph 69 of the Framework. And the removal of disused twentieth century hotel buildings and surface carparking, and installation of a fresh landscaping scheme would rejuvenate the space around the new residential blocks, behind the Lord Hill Hotel.
29. The public benefits are modest in scale and do not outweigh the great weight given to the conservation of the CA and the listed buildings, and the less than substantial harm to their significance which I have identified.
30. As such, the proposal would conflict with Policies CS6 and CS17 of the CS, and Policies MD2 and MD13 of the SAMDev. Together, these seek to ensure that development conserves and enhances Shropshire's heritage assets. Furthermore, this would not accord with the approach of the Framework in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Living conditions of neighbouring residents

31. Block 1 of the proposed development would entail a three-storey apartment block which would be a storey higher than an existing building to be removed from the appeal site, behind the Lord Hill Hotel building. It would also be a storey higher than the historic two-storey Lord Hill Hotel and Chaddeslode House listed buildings. Proposed Block 1's side elevation would be located between around 13 and 21m from windows in dwellings in Chaddeslode House. Given the combination of height, mass and modernity of Block 1 and its proximity to Chaddeslode House, it is likely that proposed Block 1 would appear overly dominant in various views from several dwellings at Chaddeslode Gardens.
32. That a dilapidated building closer to the boundary with Chaddeslode Gardens would be removed, and tree planting would over time go some way to soften views of the proposed block would not be sufficient to negate this anticipated adverse impact on outlook from neighbouring dwellings. Nor does the reduction of the proposed block, compared to a previously refused scheme, negate the identified harm.

33. Therefore, I conclude that the proposed development would harm the living conditions of neighbouring occupants of Chaddeslode House, through having an overbearing impact on their outlook. As such, it would conflict with Policies CS6 of the CS, and MD2 of the SAMDev. Together, these seek to ensure that development appropriately safeguards the living conditions of residents.

Other Matters

34. Some local residents have expressed concern about other matters which go beyond the reasons for refusal. These include parking, highway safety, neighbours' privacy and receivable light, noise, odour, biodiversity and carbon emissions. As I am dismissing this appeal on other grounds, it is not necessary for me to consider these matters further in this instance.

35. As set out above, I have determined that the public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of heritage assets. Accordingly, I confirm that overall the benefits of the proposal are insufficient to outweigh the totality of harm that I have identified in relation to the main issues.

Conclusion

36. The proposed development would be contrary to the development plan and Framework and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Balshaw	Quest Design and Planning
Carl Copestake	Knights Professional Services Limited
Jonathan Edis	HCUK Group
Richard Harwood	39 Essex Chambers
Wayne Sidell	SY Homes Limited

FOR THE LOCAL PLANNING AUTHORITY:

Jane Raymond	Senior Planning Officer
Karen Rolfe	Conservation Officer

INTERESTED PARTIES:

Sylvia Bedford	Local resident
Michael Frost	Local resident
Alex Grant	Local resident
Hazel Nowell	Local resident
Robin Onions	Local resident
Maisie Smith	Local resident
Crawford Turner	Local resident
Susan Turner	Local resident

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Council's Decision Notice for Planning Application Ref: 22/04654/VAR, received 28 March 2023.
2. Section 106 Agreement, dated 5 April 2023, received 6 April 2023.

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Appeal Decision

Site visit made on 3 March 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/L3245/W/22/3307987

New House Farm Sleaf, Billmarsh Farm to Airfield Farm, Sleaf, Harmer Hill, Shropshire SY4 3HE

- 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 A Lewis against the decision of Shropshire Council.
 - The application Ref 22/02915/FUL, dated 22 June 2022, was refused by notice dated 7 September 2022.
 - The development proposed is described as 'Erection of an extension to an existing workshop to create a live/work unit'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for the proposed development having regard to local and national planning policy.

Reasons

3. The appeal site is on land associated with New House Farm, located in the countryside approximately two kilometres outside of the village of Wem. New House Farm is an existing dwelling, set in a spacious plot, accessed via a long private drive. It also contains several outbuildings, including an existing workshop/timber store which the appeal proposal relates to.
4. In addition to the existing adjacent dwellinghouse at New House Farm, surrounding nearby uses include a non-residential training centre, a poultry farm and Sleaf Airfield. The proposal would therefore not be isolated in the context of paragraph 80 of the National Planning Policy Framework (the Framework).
5. Policy CS4 of the Shropshire Local Development Framework Adopted Core Strategy (adopted 2011) (the 'Core Strategy') sets out the approach for development in rural areas, promoting development that enables communities to become more sustainable. This includes through focusing development within Community Hubs and Community Clusters and not allowing development outside these settlements unless it complies with other relevant policies.
6. Furthermore, Core Strategy Policy CS5 and Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (adopted 2015) (the SAMDev) seek to promote sustainable practices through strictly controlling developments in the countryside. Various exceptions are set out under the

- policies, which would improve the sustainability of rural communities by bringing local economic and community benefits. Exceptions include small scale new economic development that diversifies the rural economy. Such proposals are expected to take place in recognised settlements or be linked to other existing development and business activity, whilst the need and benefits of the proposed development are also required to be demonstrated. Additionally, development involving the conversion of rural buildings that make a positive contribution to the character of the buildings and countryside are also encouraged, including for live/work units.
7. The appellant indicates that the proposal would be occupied by a family member who is a qualified carpenter and already uses the on-site workshop as part of his profession. The proposed development therefore offers the opportunity for the occupier to live and work on site, thereby eliminating the need for a daily commute.
 8. I have no reason to doubt the intended use of the proposal. However, it would not be possible to guarantee that this remained the case in perpetuity, with no suitable planning conditions that could address this matter. The appellant has indicated that a legal agreement could be used to tie the use of the residential accommodation to that of a live/work unit, but no such legal agreement is before me.
 9. Additionally, the proposal is not within a named settlement, whilst this may only be an expectation of Policy CS5 as opposed to a requirement, the appellant has not quantified potential benefits to the local economy/community. It has also not been satisfactorily demonstrated that there is a specific need for the development to take place at this site. I have no reason to believe that the carpentry business is reliant upon the provision of the proposed live/work unit or that it would be adversely affected without the development.
 10. The proposed residential extension would be subservient in scale to the existing workshop, whilst also being of a suitable scale and design that would integrate with the existing building. However, the appeal scheme would not involve the conversion of a rural building that is deemed to make a positive contribution to the character of the building or countryside.
 11. Accordingly, the proposed development would not adhere to any of the exceptions outlined under Core Strategy Policy CS5 or MD7a of the SAMDev.
 12. I note the encouragement that Policy CS13 of the Core Strategy provides for home-based enterprises, including the development of live-work schemes. However, as reflected by the policy, development in rural areas must also remain in compliance with Core Strategy Policy CS5.
 13. The appellant has also put forward arguments relating to the various policies within the Framework. Notably, Paragraph 84 of the Framework provides support for the sustainable growth and expansion of all types of business in rural areas. However, the support for rural economic development in the Framework is not unconditional, or at the expense of ensuring the delivery of sustainable forms of development.
 14. Indeed, Paragraph 85 of the Framework provides further policy detail in respect of meeting local business and community needs within the countryside.

Amongst other matters, it highlights that in locations beyond existing settlements and those not well served by public transport, it will be important to ensure development exploits any opportunities to make a location more sustainable. The use of sites that are physically well-related to existing settlements are also specifically encouraged.

15. Despite the proposal not being for an isolated dwelling, the site is not well related to existing settlements. Meanwhile, facilities and services nearby to the appeal site are limited, including public transport options. The site context is also not suitable to encourage walking or cycling as a means of transport, with a general lack of pavements and streetlighting along nearby country roads. Therefore, occupier(s) of the proposed development are likely to be heavily reliant on the use of private motor vehicle(s), the least sustainable transport option.
16. In rural areas the potential for alternative means of transport is often limited, but there is little evidence to suggest that opportunities to make the site more sustainable are being pursued. The proposal would result in the appellant's family member having a reduced need to travel to work. However, given the remote nature of the site to most facilities and services required for daily needs, additional residential accommodation in this location is likely to result in an increase in travel by private vehicle.
17. Furthermore, whilst there may be social and economic benefits associated with the proposal these are likely to be limited due to the scale and nature of the development and business practice. As previously indicated, there is also no suggestion that the existing business is reliant upon the proposal or would be adversely affected without the development. As such, I afford the social and economic benefits only limited weight. The benefits that the appeal scheme would deliver to the rural community would not outweigh the harm caused by its unsustainable location.
18. The Framework is also clear that the starting point for decision making is the development plan. I have no reason to doubt that the relevant development plan policies that seek to limit development within rural areas are in alignment with the Government's objectives for sustainable economic growth, including supporting a prosperous rural economy.
19. Overall, the appeal site is not a suitable location for the proposed development having regard to local and national policies. The proposal conflicts with Core Strategy Policy CS5 and Policy MD7a of the SAMDev. It would also not adhere to the overall aims of the Framework in respect of promoting sustainable development.

Other Matters

20. The appellant has highlighted that should the business fail, and the residential element of the proposal no longer be required, then the accommodation could be converted to an annex or tourism use. However, the appeal has been determined on the proposal before me, while I have been given little evidence as to whether an annex/tourism use in this location would comply with the Council's relevant planning policies. Accordingly, my decision does not turn on this matter.

21. My attention has been drawn to an appeal (ref: APP/H1840/W/21/3281804) for a live/work unit in another authority area that was located some distance from the nearest settlement. Although the main issue in that appeal surrounded highway safety, the Inspector also found it was acceptable for occupants of the proposal to travel a considerable distance for services and facilities. I have only limited details of that proposal, but it is clear that the Inspector undertook a balancing exercise between the desirability of supporting sustainable rural employment and sustainable transport opportunities. It is also apparent that the context of that development was different to the scheme before me (e.g. local policy considerations, site context). As such, it does not alter my conclusion on the current proposal.
22. The appellant raises questions as to how the Council is interpreting its development plan policies by referring to an application (ref: 22/02001/EA) for the expansion of a poultry farm nearby to the appeal site. However, I have no details of the decision on that application or the site's planning history. The context of that development though is likely to be materially different to that before me, given that it relates to an existing agricultural enterprise that is likely to be facing alternative issues.
23. The proposal's lack of harm in respect of other planning issues (e.g. character and appearance of the countryside, highway safety, living conditions of neighbours etc) is to be expected of development proposals and does not overcome the above identified policy conflicts.
24. I note the appellant's frustration with the service received by the local planning authority, but this is a matter for the Council to address. The appeal has been determined on its own merits.

Conclusion

25. The appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and considering all other matters raised, the appeal is dismissed.

Lewis Condé

INSPECTOR



Appeal Decision

Site visit made on 28 March 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th April 2023

Appeal Ref: APP/L3245/D/22/3311924

1 Hampton Close, Oswestry SY11 1SL

- 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 Oscar Dell against the decision of Shropshire Council.
 - The application Ref 22/03346/FUL, dated 17 July 2022, was refused by notice dated 12 September 2022.
 - The development proposed is a front extension to a domestic house to create an office space on ground floor and an additional bedroom on the first floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is a two storey detached dwelling which is of a size commensurate with its corner plot. At the time of my site visit it was not in an obvious state of disrepair nor did it detract from the neighbourhood.
4. The proposed two storey front extension would have a large footprint as it would project beyond the front elevation of the dwelling by a considerable amount and would be of a generous width. Its substantial massing would be readily apparent and further exacerbated by its ridge and eaves lines which would match that of the host dwelling. By virtue of these factors, the proposal would fail to read as a subservient addition but rather, as acknowledged by the appellant, it would dominate the existing, modest dwelling. It would therefore be an intrusive feature.
5. My attention has been drawn to other two storey front extensions in the locality and I observed many examples during my site visit, along with properties which had undergone modern upgrades to their facades. Although I agree that the modern upgrades to properties in this locality appears to be appropriate, the planning history of the other extensions is not clear thus I cannot make a fully reasoned comparison with this appeal. Furthermore, the contemporary design approach to the proposal and use of similar materials to the host dwelling does not overcome the proposal's harmful massing.
6. I acknowledge that the proposed extension would provide additional space for a growing family and a home office. However, I am not persuaded that the proposal is the minimum necessary to achieve the additional living space

required, or that the property could not be extended in other ways to achieve the required space. Additionally, whilst I did not observe any obvious external concerns in terms of the condition of the front of the dwelling, there is no convincing evidence before me to indicate that the proposal is required to make any necessary improvements, or that they could not be achieved in other ways.

7. Accordingly, the proposal would result in harm to the character and appearance of the area. It would therefore conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015) which together seek to ensure that developments take into account local context and character and respond appropriately to the form and layout of existing development, amongst other things.

Conclusion

8. The proposal conflicts with the development plan and there are no other considerations which indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR

By virtue of paragraph(s) 6a, 6b, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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