



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

Date: Wednesday, 19 July 2017

Committee:
Central Planning Committee

Date: Thursday, 27 July 2017

Time: 2.00 pm

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

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

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Dean Carroll
Ted Clarke (Chairman)
Nat Green (Vice Chairman)
Nick Hignett
Pamela Moseley
Tony Parsons
Alexander Phillips
Ed Potter
Kevin Pardy
Keith Roberts
David Vasmer

Substitute Members of the Committee

Peter Adams
Roger Evans
Hannah Fraser
Ioan Jones
Jane MacKenzie
Alan Mosley
Harry Taylor

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the Minutes of the meeting of the Central Planning Committee held on 22nd June 2017.

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 5 p.m. on Monday 24th July 2017.

4 Disclosable Pecuniary Interests

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

5 Shrewsbury College of Arts and Technology, Radbrook Centre, Radbrook Road, Shrewsbury - 17/00821/REM (Pages 9 - 40)

Approval of reserved matters (siting, design, appearance, landscaping) pursuant to 15/00491/OUT for mixed residential development of 104 residential units including affordable housing and conversion of college building into 16 apartments; highway works; formation of estate roads; landscaping works including felling of trees; formation of open space; discharge of conditions 10(European Protected Species), 11(Construction Method Statement) and 12(Badger Mitigation Plan) attached to 15/00491/OUT (amended description).

6 Shrewsbury College of Arts and Technology, Radbrook Campus, Radbrook Road, Shrewsbury - 17/00822/REM (Pages 41 - 64)

Approval of reserved matters (siting, design, appearance, landscaping) pursuant to 15/00490/OUT for mixed residential development of 22 units including conversion of Walker House; highway works; formation of estate roads; landscaping works including felling of trees; formation of wetland area; discharge of condition 10(Construction Method Statement) attached to 15/00490/OUT.

7 Shrewsbury College of Arts and Technology, Radbrook Road, Shrewsbury - 17/00823/COU (Pages 65 - 78)

Change of use of land to form domestic curtilage land and formal public open space including the construction of a footpath.

8 Proposed Residential Development Opposite The Crescent, Nesscliffe, Shrewsbury - 16/03413/REM (Pages 79 - 94)

Reserved Matters pursuant to Outline planning application 13/04757/OUT (landscaping, scale, appearance and layout) for residential development of 30 dwellings.

9 Land At 117/125 Wenlock Road, Shrewsbury - 16/04590/FUL (Pages 95 - 120)

Erection of 32 retirement living apartments including communal facilities, landscaping and car parking; formation of vehicular access following demolition of existing property (amended description).

10 Schedule of Appeals and Appeal Decisions (Pages 121 - 138)

11 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 31st August 2017 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

27th July 2017

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 22 June 2017

2.00 - 4.39 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Ted Clarke (Chairman)

Councillors Dean Carroll, Nat Green (Vice Chairman), Pamela Moseley, Tony Parsons, Alexander Phillips, Ed Potter, Kevin Pardy, Keith Roberts, David Vasmer and Dan Morris (substitute for Nick Hignett).

16 Apologies for absence

An apology for absence was received from Councillor Nick Hignett (Substitute: Councillor Dan Morris).

17 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 25th May 2017 be approved as a correct record and signed by the Chairman.

18 Public Question Time

There were no public questions or petitions received.

19 Disclosable Pecuniary Interests

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

With reference to planning application 16/03225/OUT Land at Ellesmere Road, Shrewsbury - Councillor Dean Carroll stated that he had pre-determined the item and therefore he would make a statement and then leave the room, take no part in the consideration of, or voting on, this item.

With reference to planning application 16/03225/OUT Land at Ellesmere Road, Shrewsbury - Councillor Dan Morris stated that due to a perception of bias he would take no part in the consideration of, or voting on, this item.

20 Land at Ellesmere Road, Shrewsbury - 16/03225/OUT

In line with his declaration at Minute 19 Councillor Dan Morris left the table, did not take part in the debate and did not vote on this application.

The Planning Consultant acting for the Council introduced the outline application (including access, appearance, layout and scale) for the erection of three blocks of 38 residential units and associated infrastructure and confirmed that the Committee had undertaken a site visit on Wednesday 21st June 2017 to assess the impact of the proposed development on neighbouring properties and the surrounding area. The Planning Consultant acting for the Council read out a late representation to the committee (copy attached to the signed minutes).

Mrs Helen Ball, Shrewsbury Town Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Dean Carroll made a statement in objection to the application and then left the room, took no part in the debate and did not vote on this item.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Alex Phillips addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- The application was contrary to Core Strategy Policies CS2 and CS5;
- Limited development should be allowed in this area; and
- The mitigating factors did not outweigh the harm that would result if the application was approved.

Mr Stuart Thomas, Agent for the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Planning Consultant acting for the Council advised that Members should not give any weight to the financial contribution to the North West relief road as the road was not necessary for this development.

During the ensuing debate Members acknowledged local community benefits of the proposal and noted that whilst some development would be acceptable in this area they could not support this scheme which they considered was out of keeping with the character of the surrounding area and would not form a suitable transition between adjoining development types.

Having considered the submitted plans for the proposal Members unanimously expressed their objection to the application contrary to the Officer's recommendation.

RESOLVED:

That planning permission be refused contrary to the Officer's recommendation for the following reasons:

1. The proposed development would be located on a green field site in the open countryside outside of any settlement identified in the adopted Development Plan as suitable for open market residential development. The site was not allocated for development in the Development Plan and nor does it meet any of the exceptions to the approach to sustainable development set out in the Plan. The proposed residential development on the site would be incompatible with the principles of sustainable development in that it would undermine the development strategy set out in the adopted Shropshire Core Strategy and Site Allocations and Management of Development (SAMDev) Plan which seek to facilitate residential development within a sustainable settlement hierarchy. Whilst it is acknowledged that the proposed development offers a number of local community benefits, these are not considered to carry sufficient weight to outweigh the strategy of the Plan. As such, the proposal will conflict with Policies CS1, CS4 and CS5 of the adopted Shropshire Core Strategy and MD1, MD3, MD7a and S16 of the adopted SAMDev Plan, as well as national guidance contained within the National Planning Policy Framework in respect of residential development in the open countryside.
2. The site constitutes one of the remaining vestiges of open countryside within the immediate area. The development of this green field site for thirty eight dwellings would erode the character of the area by removal of the existing frontage hedgerow and by introducing development of a predominantly urban form into the open countryside which would appear incongruous and intrusive to the detriment of the rural setting of the locality. The proposal would thereby be contrary to the provisions of the Framework and Policies CS6 of the adopted Shropshire Core Strategy and MD2 of the adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan.
3. The proposed development, due to its design, scale, massing and layout, is considered to be an overdevelopment of the site which would be out of keeping with the prevailing character of the surrounding area and would not form a suitable transition between adjoining development types. As such, it would appear as an incongruous urban feature to the detriment of local amenity and would thereby be contrary to Policies CS6 of the adopted Shropshire Core Strategy and MD2 of the adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan.

21 Proposed Residential Development Land Adj Crosshills, Nesscliffe, Shrewsbury - 17/00282/FUL

The Local Member Councillor Ed Potter left the table, did not take part in the debate and did not vote on this application.

The Area Planning Manager introduced the application for the erection of 3 dwellings including the formation of a new access (revised scheme) and confirmed that the

Committee had undertaken a site visit on Wednesday 21st June 2017 to assess the impact of the proposed development on neighbouring properties and the surrounding area. The Area Planning Manager advised that if Members were minded to approve the application Condition 9 should be amended to read: No new windows or other openings shall be formed above ground floor level in dwelling hereby permitted. He further advised that an additional condition could be added to retain two trees on site if Members considered this to be necessary.

Having considered the submitted plans for the proposal the majority of Members expressed their support for the Officer's recommendation subject to the suggested amendment to Condition 9 and the additional condition to retain two trees on site.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to:

- The Conditions as set out in Appendix 1 of the report;
- An amendment to Condition 9 to read 'No new windows or other openings shall be formed above ground floor level in dwelling hereby permitted'.
- An additional condition to ensure retention of two trees on site.

22 Cartref Camping And Caravan Site, Cartref, Ford Heath, Shrewsbury - 17/00407/FUL

The Area Planning Manager introduced the application for the Change of use of land for 15 static caravan pitches; formation of wildlife pond; associated landscaping works; installation of foul pumping unit (resubmission) and confirmed that the Committee had undertaken a site visit on Wednesday 21st June 2017 to assess the impact of the proposed development on neighbouring properties and the surrounding area.

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Roger Evans addressed the Committee as the local ward Councillor. During his statement, a number of points were raised including the following:

- Any further development at this site would have a detrimental impact on the surrounding area;
- He questioned the ultimate aim for the site; and
- Stated that the site was not a suitable location as there were no facilities in the area for tourists.

Mr Stuart Thomas, Agent for 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 for the proposal Members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

That delegated authority be given to the Head of Planning Services to grant planning permission subject to the conditions as set out in Appendix 1 and any modifications to these conditions if considered necessary by the Head of Planning Services.

23 The Fox Inn, Ryton, Shrewsbury - 17/01790/FUL

The Technical Specialist Planning Officer introduced the application under Section 73A of the Town & Country Planning Act for turfing over a previous set of steps, together with the installation of timber log retaining wall, and use of the land in association with development approved under 14/00701/FUL (amended description) and confirmed that the Committee had undertaken a site visit on Wednesday 21st June 2017 to assess the impact of the proposed development on neighbouring properties and the surrounding area. The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included a number of representations in relation to this application and referred to a letter from the applicant in response to objections which had been circulated to the Committee.

Mr Brendan Mallon, on behalf of Local Residents and Ryton supporters of community assets spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Dan Morris addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- The application was an amendment to the original permission;
- The site plans for the permission granted in 2014 were inconsistent; and
- It was agreed in 2014 that a car park with 26 spaces was necessary to the viability of the business.

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

Discussion ensued in relation to the car park and the planning permission granted in 2014. Members raised concern in relation to the inconsistency of the site plans but accepted that the number of car parking spaces had not been specified when permission was granted in 2014.

Having considered the submitted plans for the proposal the majority of Members expressed their support for the Officer's recommendation.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to the Conditions as set out in Appendix 1 of the report.

Councillor Alex Phillips requested that it be noted that he was not opposing his colleagues but wanted further investigation into the possibility of the extra car parking spaces mentioned.

24 Subway 27 Claremont Street, Shrewsbury - 17/01861/VAR

The Area Planning Manager introduced the application for the variation of Condition No. 7 of Planning Permission SA/04/1625/F to regularise opening hours to bring them in line with premises licence.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Nat Green addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- Opening hours until 3.00 am for 3 nights a week was excessive and a more realistic condition was needed;
- 11.00 pm was a reasonable time to close the premises; and
- If the hours were extended door security should be employed.

Mr Michael Gries, 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 some Members considered the proposed opening hours for the weekend to be acceptable but felt opening until 3.00 am on a Wednesday was excessive and should be amended to 07.00 – 23.00.

Having considered the submitted plans for the proposal the majority of Members expressed their support for the Officer's recommendation subject to the opening hours on a Wednesday being amended to 07.00 – 23.00.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to:

- The Conditions as set out in Appendix 1 of the report; and
- The opening hours on a Wednesday being amended to 07.00 – 23.00.

25 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 22nd June 2017 be noted.

26 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 27th July 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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<u>Committee and date</u>
Central Planning Committee
27 July 2017

<u>Item</u>
5
Public

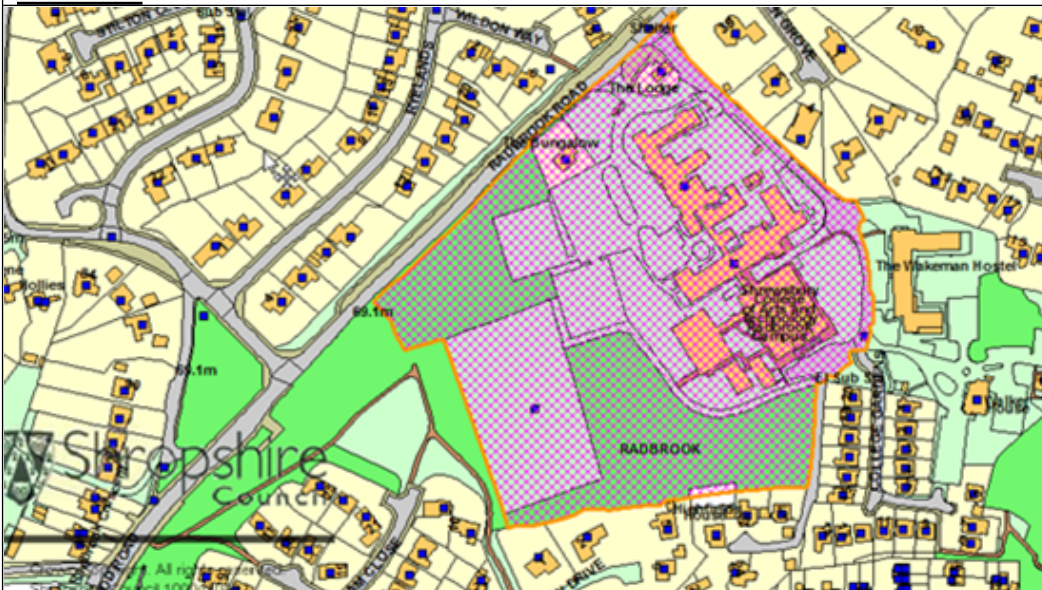
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 17/00821/REM	<u>Parish:</u>	Shrewsbury Town Council
<p><u>Proposal:</u> Approval of reserved matters (siting, design, appearance, landscaping) pursuant to 15/00491/OUT for mixed residential development of 104 residential units including affordable housing and conversion of college building into 16 apartments; highway works; formation of estate roads; landscaping works including felling of trees; formation of open space; discharge of conditions 10(European Protected Species), 11(Construction Method Statement) and 12(Badger Mitigation Plan) attached to 15/00491/OUT (amended description)</p>		
<p><u>Site Address:</u> Shrewsbury College Of Arts And Technology Radbrook Centre Radbrook Road Shrewsbury Shropshire</p>		
<p><u>Applicant:</u> Floreat Living Ltd</p>		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 347389 - 311794



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to approval of reserved matters (siting, design, appearance and landscaping) pursuant to 15/00491/OUT for mixed residential development of 104 residential units including affordable housing and conversion of college building into apartments and conversion and extension to the Lodge to provide a single dwelling, highway works, formation of estate roads, landscaping and formation of public open space.
- 1.2 The proposal also includes details to be required to be submitted by conditions 5 to 9 of the outline consent:
- Condition 5 -Landscape and habitat management
 - Condition 6 – Bat mitigation strategy
 - Condition 7 – Arboricultural assessment
 - Condition 8 – Footpath and cycle link to Sparkham Close
 - Condition 9 – Surface water drainage
- 1.3 The submission also includes details to discharge pre-commencement conditions 10 to12:
- Condition 10(European Protected Species)
 - Condition 11(Construction Method Statement)
 - Condition 12(Badger Mitigation Plan)
- 1.4 The proposal has been amended to that first submitted to address some of the issues raised by the community and consultees. The most significant amendments relate to a reconfiguration of the building footprint and a change to the roof form of the independent living/affordable housing block, to reduce the overall massing and allowing it to be moved further into the site away from the site boundary with Radbrook Road. The other changes include the loss of one of the new build 'Coach Houses' at the front of the site (which enables retention of a single storey wing within the original Radbrook College building) and an increase in height from single storey to two storey of a section of the 'Villa' type house at the site entrance. The majority of the plans for all the house types have also been amended but these relate to very minor alterations to their design and appearance including changes to floor areas, window and door details and the addition of feature brick banding.
- 1.5 The overall layout has also been amended and includes the re-siting of the independent living/affordable block, repositioning the proposed access road North of College Gardens to increase the landscaping buffer along the boundary and the omission of the wood land walk (with the path re-aligned to the road side) and the play areas omitted with an off-site payment to improve local play areas in lieu of this. The landscaping plans have also been amended in line with the changes to the layout and include more tree planting between Radbrook Road and the affordable homes, and revisions to the soft landscaping proposals in accordance with the tree officer's recommendations.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed development site is part of a larger area of land previously in educational use and the former site of Radbrook College. This application relates to the land previously owned by the Radbrook Foundation which is the largest part of the college site adjacent to the smaller part of the site to the East which was previously owned by Shropshire Council. A separate Reserved Matters application (17/00822/REM) has been submitted concurrently with this application in addition to an application for change of use of additional land to provide public open space (17/00823/COU).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Members approved the outline application subject to any subsequent application for reserved matters to be considered by Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **SC Conservation:** Following on from a recent site meeting and subsequent meetings with the applicant and agent, a number of details of the scheme have been satisfactorily revised, including most particularly from a historic environment perspective, the retention of a return element of the existing services range of the original Radbrook College building, which in our view provides for a more satisfactory level of retention of the heritage asset and improved visual presentation at this main entrance to the larger site along with a better built form relationship with the adjacent existing Lodge building. No further comments on the current revised scheme, and conditions requiring agreement of all external materials, decorative finishes, boundary features and hard and soft surface materials should be included in the Decision Notice.

4.1.2 **SC Parks and Recreation:** Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.

The Design and Access Statement acknowledges the need for open space as set out under SAMDev Policy MD2. As there are more than 20 dwellings, the number of bedrooms needs to be considered.

The development includes 379 bedrooms equating to 379 people. Working on 30 m² per person it equates to an area of 11,370 m².

The full development plan attached to the application shows the OS area extending to 11,946 m², which we consider fulfils the planning criteria.

4.1.3 **SC Trees:** No objection to this application subject to conditions.

The proposed development seeks approval of reserved matters (siting, design, appearance and landscaping) pursuant to outline planning permission granted under 15/00491/OUT for mixed residential development of 104 residential units and the conversion of the existing building to provide 16 apartments and associated, site road, POS, infrastructure and landscaping.

An Arboricultural Impact Assessment (AIA) has been submitted with the planning application. The preparation and format of the AIA has followed the recommendations of BS 5837: 2012 'Trees in relation to design, demolition & construction; Recommendations' and seeks to identify the impacts to trees and shrubs that would result from the proposed development, provide reasons and justification for tree removal and propose mitigation to ameliorate the impact identified. The AIA includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

As a whole the proposed development would result in the loss of 83 individual trees, (1 Cat. A, 23 Cat B and 59 Cat C) along with 20 groups of trees (3 Cat B and 17 Cat C). The majority of the tree removal was considered under the outline application and was approved subject to extensive new tree planting being provided by way of a landscaping scheme attached to the development as part of the reserved matters and that the retained trees would be accommodated within the site layout in a way that was harmonious with the proposed future land use and that they would be satisfactorily protected during the construction phase of the development.

I have reviewed the site layout, tree protection plans and am satisfied that the key landscape and amenity trees on the site have been retained and that the layout of the site has been arranged to ensure that these retained trees are harmonious with the new land use and do not negatively impact on the long-term residential amenity of any of the proposed dwellings, infrastructure or amenities. I am also satisfied that the proposed tree protection measures will satisfactorily protect the trees to at least the minimum standard recommended by BS 5837, subject to conditions requiring the submission of engineering details for the proposed 'no dig' low impact paths and that all works are in accordance with the submitted Tree Protection Plans and Arboricultural Method Statement referenced above.

The landscaping of the site has been the subject of much discussion and I am now satisfied that the proposed scheme referenced above will provide a satisfactory level of compensatory planting, uses appropriate species and planting locations to ensure that the development is integrated into its environment and that the visual impact of the new buildings in the landscape is softened at key public viewpoints

and the verdant character of the area is retained and that the layout of the scheme compliments the development and enhances the appearance of the site and surroundings and will provide adequate canopy cover for the site, which is sustainable in the long-term.

On balance I consider that the proposed development is compliant with policy CS 6 of Shropshire Council Core Strategy, policies MD2 & MD 12 of the adopted SAMDev scheme and the general principles of sustainable development described in the NPPF.

- 4.1.4 **SC Ecology:** The information submitted is sufficient to discharge conditions 5, 6, 10 and 12 in relation to planning permission 15/00491/OUT.

Condition 5: (landscape and habitat management plan)

5. As part of the first application for Reserved Matters a landscape and habitat management plan shall be submitted to and approved by the local planning authority. The plan shall include:

- a) Description and evaluation of the features to be managed;*
- b) Ecological trends and constraints on site that may influence management;*
- c) Aims and objectives of management;*
- d) Appropriate management options for achieving aims and objectives;*
- e) Prescriptions for management actions;*
- f) Planting plans, including wildlife habitat and features (e.g. hibernacula)*
- g) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)*
- h) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)*
- i) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works*
- j) Implementation timetable*
- k) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);*
- l) Personnel responsible for implementation of the plan;*
- m) Monitoring and remedial/contingencies measures triggered by monitoring*

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

An updated ecological survey has been undertaken in order to create a landscape and habitat management plan which takes into account the current biodiversity features of the proposed development site.

Badgers

The development site has been surveyed for evidence of badgers on a number of occasions between March 2016 and 25th April 2017. No evidence of badger was found on the application site or within 30m of the surveyor accessible land surrounding the application site.

Great Crested Newts

eDNA analysis of 3 ponds within close proximity of the site has been undertaken. eDNA is an accepted survey technique by Natural England for determining presence/absence of great crested newts in a pond. The survey was conducted at the appropriate time of year (April 2017). The ponds recorded absence of great crested newts.

SC Ecology has made a site visit to inspect the proposed development site and has concluded that due to the lack of water the wet areas present would not be suitable for breeding great crested newts. The habitat enhancements as part of this planning application will ensure that a suitable breeding pond is available for amphibians in the future. This will therefore enhance the area for biodiversity. As there has been a great crested newt recorded in the surrounding area an Ecological Clerk of Works will be provided to oversee site clearance work, including the removal of vegetation. If a great crested newt is found at any stage of the development, works must halt and the ecologist and Natural England contacted for advice. The developer is aware of this.

Reptiles

A reptile survey has been conducted. A map has been provided by Star Ecology which shows the locations of the reptile mats during the survey work. No reptiles were recorded. The Great Crested Newt method statement will protect reptiles and amphibians if they are present in low numbers.

Nesting Birds

Existing swift nest locations will be retained and protected. Additional bird nesting opportunities will be provided as indicated on the Landscape Plan prepared by AHR Architects.

Landscape & Habitat Management Plan

The information included within the Landscape & Habitat Management Plan provides an implementation timetable. Works on site will be completed by 2021, and it will be the responsibility of Floreat Homes. The Landscape Plan prepared by AHR Architects Ltd dated 10/27/2016, drawing number 691-AHR-DR-L-ZZ-90-018, shows the bat and bird enhancements that are proposed. Ecological connectivity is being retained through the site and an existing area of wet woodland is being restored to a pond, swift nests are being retained, and bird and bat boxes are being installed. The landscape and habitat management should be carried out as approved.

Providing SC Tree Team are able to support the landscape proposal and they are of the opinion that appropriate species are used, SC Ecology is able to confirm that the information provided is sufficient to cover REM condition 5.

Condition 6 and 10 (Bat mitigation and licence)

6. *As part of the first application for Reserved Matters a Final Bat Mitigation Strategy shall be submitted, which must comply with the principals set out in the Outline Bat Mitigation Strategy by Red Kite dated May 2015, including submission of a revised Preliminary Bat Roost Assessment, lighting, landscaping and artificial*

bat roosts.

Reason: To ensure the protection of bats, a European Protected Species

10. *The conversion of the main campus building shall not in any circumstances commence unless the local planning authority has been provided with either:*

a) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or

b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.

Reason: To ensure the protection of bats, a European Protected Species

Update bat survey work has been conducted by Star Ecology in 2016;

- The Lodge

A Dusk Bat Emergence Survey (29th July), a search for physical evidence of bats (11th August), and a dawn bat re-entry survey (27th August) was conducted on the Lodge by Star Ecology in 2016. Survey results indicate that the Lodge is not used by bats for roosting purposes.

- Walker House

A Dawn re-entry survey (13th June), a dusk bat emergence survey (22nd July), and physical evidence of bats was searched for (11th August) at Walker House by Star Ecology in 2016. Survey results indicate that Walker House is not used by bats for roosting purposes.

- Modern Type Buildings

The Modern-Type buildings within the Radbrook Village Site do not provide potential bat roost habitat.

- Main Building

A Dawn Bat re-entry survey (11th June), a dusk bat emergence survey (18th July) and a search for physical evidence of bats and their roosts was conducted on the Main Building by Star Ecology in 2016. Survey results indicate that the Main Building is not used by bats for roosting purposes.

- Trees

Trees were inspected for bats and the Radbrook Village Site does not provide potential roosting habitat and trees are not (likely to be) used by bats for roosting purposes.

Star Ecology has concluded that there are no bat roost features on the buildings or the trees. Star Ecology discounted bat roost features previously identified in 2015. It is not clear why bat activity survey work was conducted when there were no identified bat roost features, however the detailed survey allows SC Ecology to conclude that works can proceed without the need for an EPS licence from Natural England.

In order to cover condition 6 a Bat Mitigation and Enhancement Plan has been

submitted.

- Three groups of three Schwegler 2FR Bat Tubes will be installed within exterior walls of the Main Building within The Radbrook Village Site
- 10 Schwegler 1FD Bat Boxes will be installed on mature trees (to remain) within The Radbrook Village Site
- A bat light sensitive scheme has been devised
- As a precautionary measure the Ecological Clerk of Works will oversee the removal of all roof structures of the Main Building, The Lodge and Walker House

The updated bat survey has recorded no bats using the trees or buildings as a place of rest or shelter. The condition 1 and 2 below will ensure the potential to impact bats is low. The applicant is aware that if a bat is found roosting then works must halt and Natural England contacted for advice. Condition 10 can be discharged.

Condition 12 (badger setts)

12. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of any development involving excavation. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority. If active badger sett(s) are identified, then prior to the commencement of the development, a detailed badger mitigation plan shall be submitted for the approval of the Local Planning Authority. The mitigation shall be undertaken in accordance with the approved mitigation plan.

Reason: To ensure the protection of badgers. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc. by the Protection of Badgers Act 1992.

The development site has been surveyed for evidence of badgers on a number of occasions between March 2016 and 25th April 2017. No evidence of badger was found on the application site or within 30m of the surveyor accessible land surrounding the application site. The information provided is sufficient to discharge condition 12.

4.1.5 **SC Highways:**

Observations/Comments:

The scale of this proposed development is considered acceptable, Shropshire Council as Highway Authority raises no objection to the granting of consent for the above.

Access and Layout.

It should be noted that the proposed access and layout of the proposed development is acceptable based on a general horizontal appraisal of the layout submitted, for the purposes of fulfilling the consultation on this reserved matter application. The developer will be required to seek a full Technical Assessment of the proposed highway works, as part of the required Highway Agreements. The

technical assessment will include details of the proposed roundabout. This process will include a review of all construction details to ensure they comply with the relevant standards; all works will be subject to a full road safety audit.

Footpaths and Footway link to 'Sparkham Close'

Condition 8 of Planning permission 15/00491/OUT required provision of a footpath/cycleway up to the South West boundary of the application site to enable a footway/cycleway link to be provided between the proposed development site and Sparkham Close. It is considered that whilst the most desirable location for a connection to Sparkham Close would be between Plots 40-61 to Plot 76, the proposed connection through the open space is acceptable and will provide a suitable link to Sparkham Close.

A scheme to provide a footway link along Radbrook Road, is currently in the Highways and Transport Capital Programme, these works will seek to improve connectivity along Radbrook Road, and will be funded through neighbouring developments. It is therefore not considered appropriate that this development provides additional footway provision along Radbrook Road.

Construction Management Plan

Condition 11 of Planning Permission 15/0491/OUT requires the submission of a Construction Management Plan to be submitted and approved, whilst the details submitted are acceptable in principle, there are incomplete sections therefore, further information will need to be submitted for approval once a Principal Contractor has been appointed and prior to works commencing.

4.1.6 **SC Drainage:** The surface water drainage proposals are acceptable.

4.1.7 **SC Public Protection:** When Public Protection assessed application 15/00491/OUT we had no knowledge of known industrial or past uses of the site that could have resulted in contamination of the land and having regard to our knowledge of nearby potential ground gas sources, we did not see the need to recommend contaminated land conditions on the approval.

This reserved matters application is supported by a Phase 2: Geotechnical Investigation and Contamination Assessment Report; ref. TB/JF /SR/15469/GICAR, dated March 2016 by Ruddlesden Geotechnical. A contamination risk assessment has shown that the levels of contamination recorded across the majority of the site are not potentially harmful to human health given the proposed end use or to the water environment. However, elevated levels of cadmium, nickel, zinc, arsenic and lead were recorded at two locations in the made ground to the east of the former college buildings. These levels of contamination are considered to be potentially harmful to human health given the proposed end use and further work is required to delineate the extent of what are significant levels of contamination.

In addition, amosite asbestos fibres have been recorded in the made ground in TP10. The report advised that if this area is to be developed, further work, including asbestos quantification, would be required to confirm its extent and whether or not any construction work in this area would be licensed work. Having regard to the proposed site layout the area where asbestos (amosite fibres) has been identified

is to be developed.

The report concludes that the investigation has identified several uncertainties. Further work is recommended to provide more certainty and to provide information for design, including:

- Contamination: Boreholes and/ or trial pits with contamination laboratory testing are required following demolition of the existing building, to establish the extent of the contamination in the area of TP01 WS02 (where elevated levels of contamination have been recorded) and hence extent and most suitable method of contamination remediation; and

- Asbestos: Amosite asbestos fibres have been recorded in the made ground in TP10. If this area is to be developed, further work, including asbestos quantification, would be required to confirm its extent and whether or not any construction work in this area would be licensed work.

- Infilled Pond: The location of the infilled pond in the northwest of the site has not yet been confirmed, but it is considered most likely to be at the location of the current bee hives. Although its location does not affect the foundation recommendations, as piled foundations are recommended in this area, the origin and nature of any infill material is currently unknown. Additional contamination testing should be undertaken on samples obtained from the infill material, if encountered, to confirm the presence/ absence of harmful levels of contamination.

There is clear evidence that confirms further assessment is required and therefore having regard to this additional information, I strongly recommend that the Council's conditions in respect of contaminated land are included in this Reserved Matters Approval to ensure that the site can be safely developed and the Council receives the necessary validation to demonstrate that any unacceptable risks have been dealt with.

4.2 - Public Comments

4.2.1 Shrewsbury Town Council: The Town Council has no objection to this parcel of land being incorporated within the development site to facilitate the provision of open space provided that the necessary landscaping conditions and S106 agreement for future maintenance. In relation to open space we believe that the provision of infant and junior play provision cannot be accommodated on site and meet the 25m/50m buffer zones between play and the nearest property. We would like to see that play space is removed in lieu of improvements to neighbouring infant and junior space for which a sum of £60k for provision being conditioned.

4.2.2 Cllr Keith Roberts: (Comment received in relation to application as first submitted). As the Radbrook Councillor I object to this application because of the proposed build up of road way at the rear of 20 and 22 and old Farm house at College Gardens, it is proposed that it will be built up by 2 metres with no indication of materials to be used and it would allow visual access into rear Gardens and rooms of these dwellings. I object to the play areas being located where they are as they do not come up to the Town Council play policy into close to current dwellings. I

object to the location and size of the independent living unit it is proved to tower alongside Radbrook Road totally out of keeping for the area, there is also inadequate parking (17) for this block.

- 4.2.3 Shropshire Wildlife Trust: (Comment received in relation to application as first submitted). The development will result in the loss of a significant area of habitat from the site and from the documents provided we are unable to agree with the claim that the remaining area of green space will in fact provide a greater wildlife or amenity value.

Given our experience of habitat management plans for other developments we would ask that a clearer but more detailed document is produced. The current plan does not contain sufficient detail to ensure that biodiversity gains will be delivered and that this could be demonstrated for the life of the development. It also makes reference to numerous other documents and so generates confusion.

For example:

- We can find no details of swift nesting features, bird nesting features, bat roosting features. What are the specifications? Where are the locations?
- No details of pond excavation methods.
- Inclusion of inappropriate species in planting plans, e.g. *Cotoneaster simonsii* (a non-native invasive listed in Schedule 9 Part 2 of the Wildlife & Countryside Act 1981 and advised against by Plantlife and RHS).
- No details of grass/wildflower seed mix or subsequent management.
- No details of management after 5 years from completion (condition 5 requires the plan shall be carried out for the lifetime of the development).

We have additionally been made aware of a recent sighting of a gravid female great crested newt within 75m of Pond 1 on the development site. It would therefore appear likely that despite the low HIS scores pond 1 still provides a breeding opportunity for great crested newts and this should be further investigated and measures and enhancements incorporated into an updated and improved habitat management plan.

- 4.2.4 CPRE: Object - When viewing the proposed site plan one cannot help but think that the developer's intention is to maximise the number of dwellings on the site to the exclusion of all other considerations.

In particular we object to the absence of any sport and recreational facilities. For many years the Radbrook College playing field has been available for the leisure and recreation of local people. The loss of this facility is totally contrary to Core Strategy Policy CS16 which aims to "*deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital roll that these sectors play for the local economy*".

The current high level of development in and around Shrewsbury is in danger of creating a total imbalance between local green space, recreational areas and housing. CPRE consider that the existing College playing field should be retained as an undeveloped area.

- 4.2.5 Shropshire Playing Field Association: Object to the application and object that Sport England have not been consulted on this application as a statutory consultee as there is clearly a loss of a high quality playing field on this site.

The Radbrook College site includes a flat rectangular piece of grassed land measuring approximately 0.47 ha; this land was formerly part of the Radbrook College Site.

According to historic photos and local intel this land is high quality playing field land (a former high quality hockey field) which has been maintained as mown grass, (upto the College closure in 2014) being used by students for a multi functional facility including sport, walking etc. It has not been used for horticulture and is not brownfield.

It should be noted that Shropshire Council has failed to provide an open space needs assessment as required by NPPF 73.

Shropshire Playing Field Association are of the opinion that the last use of the rectangular piece of land is playing field therefore, it would normally be expected that Sport England as a non-statutory consultee would be consulted on such a matter, but according to Sport England they to date have not.

Our shared view is that an application for the loss of a playing field even if it had not been in formal use for the past 5 years should be protected and should follow nppf74 guidelines.

Sport Englands playing field policy is clear and should be applied to all developments affecting all playing fields regardless of when the field was last in use, it should be noted government planning policy in paragraph 74 of the nppf does not distinguish between current and former playing field sites.

We believe the local planning authority should give due regard to this point and at the very least consult sport England on this matter before making a decision.

4.2.6 **Comments from local residents**

Summary of objections received from the public in relation to the proposal as first submitted and as amended. This is only a summary of public comments received and full comments can be viewed on the file.

Summary of comments regarding the development as a whole

- ☑ Concerned about the effect on the trees and the harsh clearance of the hedges and trees next to Radbrook Road
- ☑ Concerned about the effect of increasing the population on the infrastructure of the area by hundreds of new residents on top of previous recent developments.
- ☑ The proposed roundabout and splitter island are unsafe and the increase in

traffic that is going to occur is going to be intolerable and another road access should be included in this design to reduce the traffic.

- ② Childrens play areas for up to 5 years must be 25 metres from any buildings and for 6 to 12 years 50 metres from buildings.
- ② The two proposed equipped play areas are too small for their purpose and of limited use and welcome the town clerk's proposal that the developers should contribute to the development of the existing Radbrook play areas, which would benefit the community as a whole.
- ② Building on an existing playing field is contrary to national and local policy and disagrees that because it has not been used for more than 5 years it is not a playing field.
- ② The evidence base documents when preparing SAMDev noted at EV13 that *'In light of the importance of outdoor sports facilities to residents, and their role in increasing physical activity, it will be important to ensure that all sites are protected from development unless it can be proven that the site is surplus to demand' and that 'developments should make provision for the open space, sport and recreation needs that they generate'.*
- ② Residents of the development should have access to a playing field within walking distance, and maintaining, improving and opening up the playing field, or part of the playing field to the wider community would benefit all residents..
- ② The plans are different to those viewed at the outline stage resulting in a very different type of development.

Summary of comments from or regarding the aspects of the proposal affecting residents NW of Radbrook Rd in Ryelands and Wildon Way

- ② The developers have already decimated the roadside hedge and young trees along the Radbrook Road boundary, and cleared the whole area behind of any growth.
- ② A wide landscaping strip should be provided between Radbrook Road and the new housing to tie in with the strip that already exists from the southern site boundary down to Bank Farm Drive so that the wildlife corridor is extended and not reduced and to enhance the appearance of this entry to town rather than degrading it.
- ② A carefully thought out landscaping/screening scheme is required together with possible groundworks as the embankment to Radbrook road is in places very steep.
- ② What will the boundary fence be to the rear of properties that back onto Radbrook road.

- ② Some thought should be given to the provision of a footpath so that the pavement continues on the south-east side of Radbrook Road and links the current college site entrance to the bus stop opposite Crowmeole Lane. The developer should provide this path and/or make good the existing footpath on the opposite side.
- ② The apartment building (independent living units/affordable housing) will be situated on higher ground close to and above Radbrook Road will appear as a dominant, over-bearing mass and would be a major visual intrusion that will be detrimental to residential and public visual amenity.
- ② The proposed independent living units will dominate the area and their appearance, character and scale will not be in keeping with the current pleasant, spacious, detached residential area.
- ② The amendments made to the position of the two storey independent living accommodation flats will make no significant change to the impact of the proposed development and the photo montage is misleading.
- ② The development will overlook residents of the Ryelands resulting in a loss of privacy and the rear elevation of the block, which incorporates access walkways, and fronts directly onto Radbrook Road will exacerbate this situation. These walkways will likely be used for the drying of washing and storage and will be unsightly.
- ② The residents of the flats would be subjected to both traffic noise and pollution from the road.
- ② The front elevation, which would face South, is mostly glass, which would be very unpleasant in the heat of the day.
- ② Suggests that the balconies face inwards towards the development rather than out towards the Radbrook Road as this would enhance the vista into town, create a more integrated community and provide independent living residents the opportunity to sit out on the balcony and enjoy a sunnier (southerly) and quatter aspect with a more pleasant outlook over the 'village'.
- ② The apartment building would result in a loss of light in the day and the illuminated external walkways will add to the existing street lighting that throws sodium light onto the Ryelands by night.
- ② Within the design of the flats there is no provision for communal areas or care which would mean a procession of carers coming and going day and night. A purpose built facility would be preferable for elderly infirm people who need assistance.
- ② Inadequate parking provision especially for apartment block resulting in street parking in Ryelands and Wildon Way.
- ② The three storey link detached houses/villas to be built on the brow of the hill

on the entrance to the site will also dominate the skyline with balconies and roof terraces overlooking Radbrook Road and Wildon way which is inappropriate.

- ② The proposed roundabout and splitter island are unsafe and Plot 001 and 0034 should be reduced so that there is a greater distance and additional landscaping between the round about and the top of Wildon Way to reduce road noise and pollution.
- ② The increase in traffic that is going to occur at the end of Wildon Way is going to be intolerable and another road access should be included in this design to reduce the traffic here.

Summary of comments from or regarding the aspects of the proposal affecting residents North East of the site at 39 Radbrook Rd and Aspen Grove

- ② The extended Lodge, Lodge garage, The Coach House on Plot 002 and The Stables house on Plot 003 will all combine to present the appearance of an almost continuous façade of brick as seen from 39 Radbrook Road
- ② The proposed redesign of The Lodge almost doubles the length of the house along the boundary with the house on Aspen Grove. The extension to the existing building is also all two storeys. This significant addition would contribute to the excessive over-bearing affect that the combined buildings on this part of the development would create.
- ② The first floor windows of the extended Lodge will overlook 39 Radbrook Rd.
- ② The existing properties in Aspen Grove are already at a lower level and are 1 or 1&1/2 storey dwellings. The proposed dwellings on plots 2, 3 and 4 and 062 and 063 will be close to the boundary on higher ground and will appear dominant and overbearing and will result in a loss of light, overlooking and a loss of privacy.
- ② Additional windows in the Stable house type will add to the issue of overlooking of properties in Aspen Grove.
- ② As many of the neighbouring properties are situated at a lower level the proposed drainage needs to be properly addressed to ensure that the adjoining gardens are not adversely affected due to additional surface water run-off resulting in flooding.
- ② The proposed Lodge garage and Plot 002 are very close to the boundary fence with 39 Radbrook Road and no tree protection is proposed for the trees along this boundary.
- ② The cross sections give a misleading picture of how the development will appear.
- ② The 3-storey villas at the entrance of the site - Plots 034 - 039- appear to be

out of character with the existing street scene of Radbrook Road and will be very dominant at the entrance of the site.

- ❑ Whilst the proposed roundabout is good for traffic calming, it is difficult to understand how larger vehicles will be able to turn right into Radbrook Village from Radbrook Road as no simulations are provided to demonstrate this manoeuvre.
- ❑ The roundabout and Splitter island are unsafe for pedestrians.

Summary of comments from or regarding the aspects of the proposal affecting residents South of the site in College Gardens and Gransden Drive

- ❑ The entrance to College Gardens in the outline plan shows an area of grass between no 20 and the road to Walker House and the retention of an established flowering cherry tree and wishes this to be reinstated.
- ❑ The proposed footpath to the West of College Gardens and the road to the North is too close to the rear boundary of existing houses resulting in noise, disturbance and loss of privacy and would also affect security (especially affecting 20 College gardens).
- ❑ Play area and woodland path to the North of College Gardens and Gransden Drive are too close to rear gardens resulting in noise, disturbance and loss of privacy and will also encourage ant-social behaviour.
- ❑ The land and path is proposed to be raised by 1-2 metres exacerbating overlooking and a loss of privacy.
- ❑ Much of the land will be infilled with rubble from the demolition of buildings on the site, thus raising the height of the land which we believe will affect the privacy of properties on all boundaries (Gransden Drive, College Gardens, Ryelands and Aspen Grove).
- ❑ Question the need for the woodland walk as a thoroughfare and suggest that a proper pavement and cycle path on the planned adjacent street, with access to Sparkham Close as originally planned would make more sense and be more convenient to the residents of the development.
- ❑ Removing the Woodland Walk would also allow better tree planting in the wooded area and better movement for wildlife.
- ❑ Objects to the fronts of the new houses, which will be overlooking the garden of 22 College Gardens at a higher level. As well as looking into the garden and property there will be the problem of lights from cars entering and exiting the driveways, due to the increase levels in the plans.
- ❑ Requests as a material consideration that either the levels of the road and footpath behind 23 College Gardens are dropped or that the planting plan incorporates taller and/or denser trees along this boundary.

- ❑ The drainage from Gransden Drive and College Gardens currently drains onto the development site and was established by Shropshire Homes and does not appear on any current plans. The proposed drainage does not take account of this and proposed raising of ground levels and the building of a new road and new properties at the new level will increase water levels and surface water and will cause flooding in College Gardens and Gransden Drive
- ❑ Unless the issue of drainage is addressed, the proposal could have a detrimental and even dangerous effect on buildings in the area around the proposed development.
- ❑ Concerned that the footing design (Piling in particular) will have a severe impact on the structural integrity of a 170 year old property (23 College Gardens)
- ❑ Concerned about the loss of selected trees and loss of ecological habitats and that the proposed building and construction on and the destruction of, the southern woodland wildlife area behind the houses in College Gardens is wrong.
- ❑ Existing residents frequently see badgers, foxes, squirrels, bats, frogs, toads, newts and many species of birds in the field and gardens, and the removal of trees and hedgerows, not to mention building up and upon, the land that they forage on, will leave them with little food and endanger them when they have to travel further afield to find green space.
- ❑ The effect on wildlife will be considerable, with the loss of one of the last open, wooded and unbuilt pieces of land in the area, especially since the building of the Darwin's Walk estate.
- ❑ The ultra modern new house designs although far better than the old council building currently awaiting demolition, will clash with the traditional housing currently in College Gardens and most importantly the imposing Victorian College and Walkers House.

5.0 THE MAIN ISSUES

5.1 The principle of development including the means of access to the site has already been established by the Outline application. The purpose of this reserved matters application is to determine whether the matters reserved for approval and required to be submitted by the Outline permission at this Reserved Matters stage are acceptable, and in this instance include the following:

- ❑ Layout, scale and appearance
- ❑ Impact on residential amenity
- ❑ Landscaping, tree protection and open space provision
- ❑ Ecology and protected species

- ② Highways, access and footpath links
- ② Surface water drainage

6.0 OFFICER APPRAISAL

6.1 Layout, scale and appearance

- 6.1.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.1.2 This proposal to provide 104 units includes the conversion of the main part of the original Victorian College building (Radbrook Hall) to provide 16 apartments and conversion and extension of the Lodge to form a four bedroom detached house. The new build element of the proposal includes the erection of a mix of three and four bedroom houses with a variety of house types of different styles and design. to provide 63 houses and a two storey apartment building to provide 22 (one and two bed) affordable apartments, designed for independent living. The occupancy of the 22 apartments will not be restricted by age although it is envisaged that there will be high demand for the accommodation from the elderly and also from households with disabilities but that do not need 24 hours care.
- 6.1.3 The principle of which buildings would be retained on the site was established at the outline planning application stage. The conversion of the buildings which are of greater architectural and historic merit (including retention of the return element of the existing services range of Radbrook Hall following the omission of one of the 'Coach house' style properties) is welcomed. It is considered that the proposed alterations and additions to the buildings to be retained would have no adverse impact on their character and appearance, their new use would ensure their long term preservation, and the wider development of the site will enhance their setting.
- 6.1.4 The part of this proposal which would have most visual impact on the character and appearance of the locality are the new build 'Villa' type houses at the entrance to the site and the two storey apartment building adjacent Radbrook Road. Amendments have been made and include a reduction and reconfiguration of the footprint of the independent living/affordable housing block including a change to the roof design, the loss of one of the new build 'Coach Houses' at the front of the site and retention of a return element of the existing services range of the original Radbrook College building, and an increase in height from single storey to two storey of the projecting section to the side of the 'Villa' type house at the site entrance.
- 6.1.5 It is considered that the amendments to the size and position of the apartment building has reduced its overall scale and massing. Although the land where it is proposed to be sited is at a higher level than Radbrook Road due to the distance from the road and the height of the embankment itself, only the upper parts of the

building (and not the whole of the building) will be viewable from road level, and once the significant belt of tree planting has established it will largely be screened from view.

- 6.1.6 With regards to the three storey crescent of 'Villa' type houses the design of the plot at the entrance to site has been amended so that the projecting section to the side of the house (and facing the road) has increased from single storey to two storey to be more in keeping with the scale and proportions of the rest of the house. The 'Villa' type houses have been designed as predominantly three storey to reflect the mass of the three storey Radbrook Hall and continue as a crescent shape opposite the Hall with a landscaped area in between. It is considered that the proposed 'Villas' of a similar scale and height to Radbrook Hall, but of a modern design rather than a pastiche, are appropriate for this part of the site.
- 6.1.7 The modern 'Coach House' building originally proposed for the front of the site has been omitted as it was considered that it detracted from the character and appearance of the entrance to the site and the setting of the Lodge and the Hall. Its omission has enabled the retention of a single storey part of the rear service wing of the Hall, which provides a visual link to the Lodge and has an anchoring effect to the hall which otherwise would have stood as a vertical bookend. It is considered that the changes to the part of the site that fronts Radbrook Road are acceptable and would have no adverse impact on the character and appearance of the locality and would enhance the appearance to the new single entrance to this site compared to its current condition.
- 6.1.8 The remainder of the development on this part of the site includes detached and link detached 3 and 4 bedroom houses of a modern design and include a variety of house types including the 'The Stables', 'The 'Mews' and the 'The Brook'. As the majority of the house types will not be viewed in the context of existing housing their fresh and modern design is acceptable and will result in a high quality living environment comprising bespoke and individually architect designed homes rather than an 'off the peg' houses found on modern housing estates.
- 6.1.9 Some existing residents have expressed concern that the layout and house types are significantly different to that indicated at the outline stage. However those plans were for illustrative purposes to show what might be achieved on this site. The illustrative masterplan for this part of the site indicated that the main college building would be converted to provide 13 flats, the Lodge converted to a dwelling and 96 new dwellings erected (a total of 110 dwellings). The proposal overall was indicated to provide up to 150 dwellings. This proposal is significantly reduced in density to provide a total of 126 dwellings (with 104 on this part of the site and 22 on the adjoining site. This provides for a much more spacious layout with more open green space. It is considered that the layout of the development is acceptable and the reduced number also reduces the number of vehicle movements generated and the amount of hard surfaced parking areas required thus enhancing the overall appearance of the development.

6.2 Impact on residential amenity

- 6.2.1 The parts of the site that have the potential to impact on existing residents are the

new buildings closest to the boundaries with existing homes. The residents of the Ryelands and Wildon Way to the North West are concerned about the impact of the apartment building and the 'Villa' type houses parallel with Radbrook Road and that they will appear overbearing and obtrusive and result in a loss of light and loss of privacy. However the apartment building has been moved further away from Radbrook Road and although this and the 'Villas' will be built on higher ground it is considered that at a distance of over 30 metres and taking into account existing and proposed trees on both sides of Radbrook road, that will partly screen the building, this part of the proposal would have no significant adverse impact.

- 6.2.2 The proposed Lodge extension and the proposed 'Stables' and 'Mews' type houses proposed for the North East boundary have the potential to impact on the residents of Aspen Grove and 39 Radbrook Rd that are situated on land at a lower level. However due to the distance of over 20 metres between the backs of the existing and proposed houses it is considered that the proposed two storey houses would not have an overbearing impact or result in overlooking and a loss of privacy.
- 6.2.3 The front of the proposed dwellings to the South of the site (plots 93 – 99) will face the rear of houses in College Gardens and Gransden Drive. However due to the significant distance between the proposed and existing dwellings and the proposed woodland area and landscaping the development will not result in overlooking and a loss of privacy. Concern had been raised regarding the raising of land levels adjacent to the rear gardens but this land is currently at a significantly lower level and the raising of the land levels in this area will only bring the land level up to the neighbouring properties. Footpaths were originally proposed to be run adjacent to the boundary with College Hill Gardens and Gransden Drive but these footpaths and the woodland walk have been omitted and the footpaths re-aligned to the road side. The layout will actually improve the current situation as the existing road adjacent to the boundary with the rear of 15 – 20 College Gardens will be re-located further West and a landscaped buffer provided. The proposed access road North of College Gardens has also been re-positioned further North to increase soft landscaping along the boundary. It is considered that the revised positions of the new roads and footpaths will not introduce any noise and disturbance adjacent to private rear gardens significantly greater than that which currently exists.

6.3 **Landscaping, tree protection and open space provision**

Condition 5 -Landscape and habitat management

Condition 7 – Arboricultural assessment

- 6.3.1 There are three main areas of landscaping on this part of the site and include the larger area of landscaping and tree planting between the affordable block and Radbrook Road to the North, the large area of landscaped public open space between the crescent of 'Villa' type houses and Radbrook Hall to the North East and the woodland area to the South of the site adjacent to College Gardens.
- 6.3.2 Revised landscaping proposals and tree protection details have been submitted and these indicate an increase in the area of landscaping and tree planting to the North adjacent to Radbrook Road, the omission of the 'woodland walk' and re-alignment of footpaths in the Southern area of the site and alterations to planting positions and the species selection for trees and hedgerow as some originally

chosen were considered inappropriate by the tree officer. The moving of the internal site road further North of College Gardens has moved the road into the RPA of a retained lime tree and the submitted arbroicultural report includes a construction method statement to deal with the installation of this road way.

- 6.3.3 The tree officer has confirmed that the tree protection measures and landscaping proposals are acceptable and the recommended conditions will ensure that the landscaping proposals are fully implemented and maintained and the trees to be retained are adequately protected during construction.
- 6.3.4 The CPRE and Shropshire Playing Fields Association object to the application due to the loss of what they consider to be a playing field and that Sports England should have been notified about this planning application. However the requirement to notify Sports England as a Statutory Consultee is outlined in the NPPF and NPPG and this issue was covered in the report to committee for the outline planning permission and is reproduced here:

At the pre-application stage the matter was raised regarding the existing recreational facilities on the Radbrook Foundation site and the potential loss of sports pitches. The English Sports Council (Sport England) should be consulted on Planning applications where the development is likely to result in the loss of use of land being used as a playing field or land that has been used as a playing field at any time in the last 5 years. A playing field means a site which encompasses at least one playing pitch. The planning statement outlines that an area of land (approximately 0.47ha in size) in the South West corner of the Radbrook Foundation application site was historically used as a single sports field associated with the former college but has not been used as a sports pitch for a number of years. The field was never used for its intended purpose by Shrewsbury College and this part of the site was made available to Walford College for horticultural activity and was not used for sports purposes during their tenancy (1992 – 1997) or since. This part of the site has therefore not been used as a playing pitch for in excess of 30 years.

As there are currently no playing pitches at the site and have not been in the previous 5 years then Sport England do not need to be consulted regarding this application. Furthermore although the planning statement refers to guidance in paragraph 74 of the NPPF regarding development of sports pitches and the criteria provided by Sport England to prevent the redevelopment of sports pitches this is not relevant to the determination of this application. However the planning statement has addressed these matters and in summary concludes that the requirements of paragraph 74 of the Framework and the Sport England document 'Sporting Future for the Playing Fields of England' are in any case satisfied. A relatively small part of the application site was formally used as a sports pitch but this use ceased many years ago (believed to be in excess of 30 years). The Council's Playing Pitch Strategy does not identify a shortfall in sporting facilities that can be met on this site and new sporting facilities are proposed at the Shrewsbury College of Arts and Technology site as consequence of the relocation of Radbrook Campus. There will therefore not be a net loss in sporting facilities as a consequence of the replacement facilities and no adverse impacts on sporting facilities as a consequence of the proposed development.

6.3.5 The NPPG advises that local planning authorities are statutorily required to consult Sport England in certain cases where development affects the use of land as playing fields. But as explained in the outline committee report and reproduced above Sport England are not statutorily required to be consulted as the proposed development does not affect a playing field. The NPPG also advises that where there is no statutory requirement to consult, local planning authorities are advised to consult Sport England in cases where development might lead to:

- *loss of, or loss of use for sport, of any major sports facility;*
- *proposals which lead to the loss of use for sport of a major body of water;*
- *creation of a major sports facility;*
- *creation of a site for one or more playing pitches;*
- *development which creates opportunities for sport (such as the creation of a body of water bigger than two hectares following sand and gravel extraction);*
- *artificial lighting of a major outdoor sports facility;*
- *a residential development of 300 dwellings or more.*

As none of these criteria apply in this case Sport England has not been consulted.

6.3.6 With regards to public open space (including playing fields) Paragraph 74 of the NPPF states the following:

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Paragraph 74 relates to existing public open space, sports and recreational facilities and playing fields. The applicant provided a full assessment of the above points within their planning statement at the outline stage and the officer report noted that a consideration of these points with regards to sports pitches is not relevant in determination of the application as there are no existing sports pitches at the Radbrook site and have not been for several years. The development of this site would not result in the loss of existing public open space or playing fields.

6.3.7 With regards to the provision of public open space the Council's Parks and Recreation Manager has confirmed that the amount of Public Open Space proposed (when looking at all three sites together and based on the total number of houses and bedrooms) exceeds the MD2 policy requirement of 30sqm per person (equivalent to 3 hectares per 1,000 population). The amount of open space proposed is almost 12,000 square metres (1.2 hectares) which is considered acceptable and in accordance with National and Local Policy. It is proposed that all the open space across the three sites will be managed by the Town Council and this will be subject to a separate agreement between the Town Council and the

developer.

- 6.3.8 Equipped children's play areas were indicated to be included within the open space on this part of the development site which would have been adopted by Shrewsbury Town Council. However local residents agree with the Town Council that the developers should contribute to the development of the existing infant and junior play areas in the Radbrook ward, which would benefit the community as a whole. The sum of £60,000 requested for this will be secured by a S106 attached to the application for change of use of scrub land to provide formal public open space. The layout plan has been amended to omit the provision of on site equipped play areas on this particular site.

6.4 **Ecology and protected species**

Condition 5 -Landscape and habitat management

Condition 6 – Bat mitigation strategy

Condition 10(European Protected Species)

Condition 12(Badger Mitigation Plan)

- 6.4.1 Although the proposal will result in the loss of some areas of habitat suitable for a range of wildlife the proposed open space provision and managed green areas across all three sites will provide greater ecological enhancement and amenity value. The Council's Ecologist has confirmed that the submitted Landscape and Habitat Management plan shows an existing area of wet woodland to be restored to a pond that will ensure a suitable breeding pond is available for amphibians in the future. The plan also shows the bat and bird enhancements that are proposed including swift nests being retained, and bird and bat boxes being installed. Ecological connectivity will also be retained and enhanced throughout the site and the proposal will enhance the area for biodiversity.
- 6.4.2 An Ecological survey and report was submitted at the Outline stage and the updated surveys and ecological reports include a final bat mitigation strategy and badger mitigation plan as required by condition 6 and 12 attached to the Outline consent. No evidence of badger was found on the application sites or within 30m of the surveyor accessible land surrounding the application sites. The updated bat survey has recorded no bats using the trees or buildings as a place of rest or shelter and there were no bat roost features on the buildings or the trees. Although a great crested newt (GCN) has been recorded in the area the ponds recorded the absence of GCN and the Councils Ecologist has made a site visit to inspect the proposed development site and has concluded that due to the lack of water the wet areas present would not be suitable for breeding GCN. The submitted surveys and reports also conclude that an EPS licence is not required.
- 6.4.3 Shropshire Wildlife Trust objected to the proposal as first submitted but the revised landscaping details have addressed the issues that they raised. This includes the restoration of a pond, and bat and bird enhancements including swift nests being retained, and bird and bat boxes being installed. The planting has also been amended in accordance with the Councils tree officer and ecologists recommendations, the ecological connectivity will be retained and enhanced across all three sites and it is considered that that the proposal will enhance the area for

biodiversity. The Councils Ecologist is satisfied with the landscape and habitat management plan (required to be submitted by condition 5) and has confirmed that the proposed landscaping of the site will provide significant ecological enhancement of the site. In addition private rear gardens as they mature often offer opportunities for enhanced bio-diversity.

- 6.4.4 The details required to be submitted by conditions 5 and 6 (including the submitted landscape and habitat management plan that includes an implementation timetable, preparation of works schedule, details of personnel responsible for implementation of the plan and monitoring and remedial/contingencies measures) are considered acceptable and conditions 10 and 12 are also discharged. However condition 5 required details of '*a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually*'. It is understood that Floreat Homes intend to transfer their responsibilities for maintaining and managing these areas to Shrewsbury Town Council.
- 6.4.5 It is therefore necessary to impose a condition to ensure that the landscaping and habitat management plan is implemented as approved and that further details of the short term and long term management are provided. Although it is understood that the developer will enter into a separate agreement with the Town Council to ensure the long term management and maintenance of these areas a condition is still required to secure this.

6.5 Highways, Access and footpaths

Condition 8 – Footpath and cycle link to Sparkham Close
Condition 11(Construction Method Statement)

- 6.5.1 Access to the site is via the provision of a new roundabout. Highways have reviewed and have no objection to the submitted and amended plans and information including details of the roundabout access and the internal road layout.
- 6.5.2 The technical approval of the new roundabout and improvements to the existing highway will be subject to a Section 278 agreement and works cannot commence on this aspect of the proposal until the engineering details have been approved under a Section 278 agreement.
- 6.5.3 The internal road layout is satisfactory, adequate parking provision is indicated and the construction of the internal roads to adoptable standard will be subject to a Section 38 agreement.
- 6.5.4 Some residents have commented that the applicant should provide a footpath on the development side of Radbrook Road. Highways have commented that a scheme to provide a footway link and improve connectivity along Radbrook Road is currently in the Highways and Transport Capital Programme and that these works will be funded through contributions already received from neighbouring developments. As this footpath link is not necessary to make this development acceptable it is not reasonable to secure this by either a S106 or planning condition attached to this planning permission. If highways had considered it necessary it would have been secured at the Outline stage.

- 6.5.5 Condition 8 attached to the outline permission required that the layout should include the provision of a footpath/cycleway up to the South West boundary of the application site to enable a footway/cycleway link be provided between the proposed development site and Sparkham Close. A footpath link has been provided and Highways have confirmed that this is acceptable.
- 6.5.6 The applicant has submitted a Construction management plan to discharge condition 11 but as Highways have confirmed that this is not yet acceptable further details will be required to be submitted and an application for discharge of conditions submitted prior to commencement of development.

6.6 Drainage

Condition 9 – Surface water drainage

- 6.6.1 Some residents (particularly those in College Gardens and Gransden Drive) have expressed concern that the raising of land levels and the proposed surface water drainage will impact on neighbouring land. The applicants drainage engineer has provided a response to explain the proposed drainage and address these concerns:

The land to the south of the Radbrook College site currently receives surface water run-off from parts of the existing college building, parts of the undeveloped areas and hardstanding to the south side of the site.

An existing culvert that exits the site from this area is partially blocked outside of the site boundary. Due to this, the water draining in this direction has caused the land to become boggy and flooded.

The redeveloped site will remove the majority of the water that is currently draining to this area by intercepting it in a designed surface water drainage system, where it is attenuated before being discharged into the Severn Trent surface water sewer in Radbrook Road.

The only areas of the site which will discharge into this area are the wooded areas to the south of the estate road.

No development is planned in the southeast part of the site which is currently a wooded area and contains the soakaways serving College Gardens. No changes are proposed to the soakaways themselves, and no additional surface water flows will enter this area so they will continue to work as they currently do.

- 6.6.2 The Councils Drainage engineer has confirmed that the submitted surface water drainage strategy (required to be submitted by condition 9) is acceptable. They would not confirm that the submitted details were acceptable unless they were confident that the discharge rate from the site would be equivalent to or less than a greenfield run off rate and that the proposal would not result in increased flooding of any adjacent land or highway.

6.7 Contaminated land

- 6.7.1 A Geotechnical Investigation and Contamination Assessment Report have been submitted. Public Protection has confirmed that due to the findings the standard pre-commencement contaminated land condition is required to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

7.0 CONCLUSION

- 7.1 The principle of development has been established by the Outline permission. It is considered that the proposed layout and landscaping of the site, the scale and appearance of the new dwellings and the conversion of the buildings to be retained is acceptable in scale, density, pattern and design and would not adversely impact on the character and appearance of the locality or residential amenity and therefore accords with CS6 and MD2. When all three sites are considered as a whole more than sufficient open space will be provided and the proposal includes satisfactory ecological enhancement, appropriate measures for the protection of the significant trees to be retained, and the proposed landscaping and tree protection plans are considered acceptable. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS17, MD2, MD12 and MD13 and the aims and provisions of the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These 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: NPPF

Core Strategy and SAMDev Policies: CS6, CS17, MD2, MD12 and MD13

RELEVANT PLANNING HISTORY:

15/00490/OUT Outline application (access for approval) for residential development with demolition of existing buildings GRANT 26th April 2016

15/00491/OUT Outline application for residential development including partial demolition of buildings to include means of access GRANT 26th April 2016

16/05163/ADV Signage (freestanding wooden sign erected on a plinth) to advertise new residential development GRANT 24th January 2017

11. Additional Information

List of Background Papers: File 17/00821/REM

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Keith Roberts

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. a) No 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 Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must 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 after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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

3. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the last building for its permitted use.

- a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.
- b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan ref: 691-AHR-DR-L-ZZ-90-026 P13 & Arboricultural Method Statement ref: AMS-AIA-IC-050717-V7 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.
- c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail 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 and to protect the natural features that contribute towards this and that are important to the appearance of the development.

4. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until full engineering details of the 'no dig' footpaths have been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that retained trees that provide a significant amenity are not damaged by the construction work approved.

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

5. Prior to first occupation / use of the building, full details for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be sited in accordance with the approved Landscape Plan , and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

6. All development, demolition, site clearance, landscaping and biodiversity enhancements shall occur strictly in accordance with the Bat Mitigation and Enhancement Plan prepared by Star Ecology (2nd May 2017), and the Risk Avoidance Measures (RAMs) for Great Crested

Newts (22nd May 2017). Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of and enhancements for Bats and Great Crested Newts, a European Protected Species.

7. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority for approval demonstrating implementation of the Bat Mitigation and Enhancement Plan and the Risk Avoidance Measures (RAMs) for Great Crested Newts and ecological enhancement as required by condition 6.

Reason: To demonstrate compliance with the Great Crested Newt, Bat RAMS and ecological enhancements.

8. All hard and soft landscape works (including wildlife habitat and features) shall be carried out in accordance with the approved plans. The landscape works shall be carried out prior to the occupation of any part of the development hereby approved (or in accordance with a time table to be submitted to and approved by the LPA). 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 be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

9. On completion of the approved landscaping, a landscaping, habitat and open space management plan shall be submitted to and approved in writing by the LPA. The plan shall include full details of the future maintenance, management and monitoring of all landscaped areas and open space (other than privately owned, domestic gardens) including a 5 year project register, annual work plan and the means by which the plan will be rolled forward annually and details of who shall take responsibility for implementation of the plan. The future maintenance, management and monitoring of the site shall be implemented in accordance with the approved details in perpetuity or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

Reason: To ensure the adequate future management and maintenance of the public open space and landscaped areas.

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<u>Committee and date</u>
Central Planning Committee
27 July 2017

<u>Item</u>
6
Public

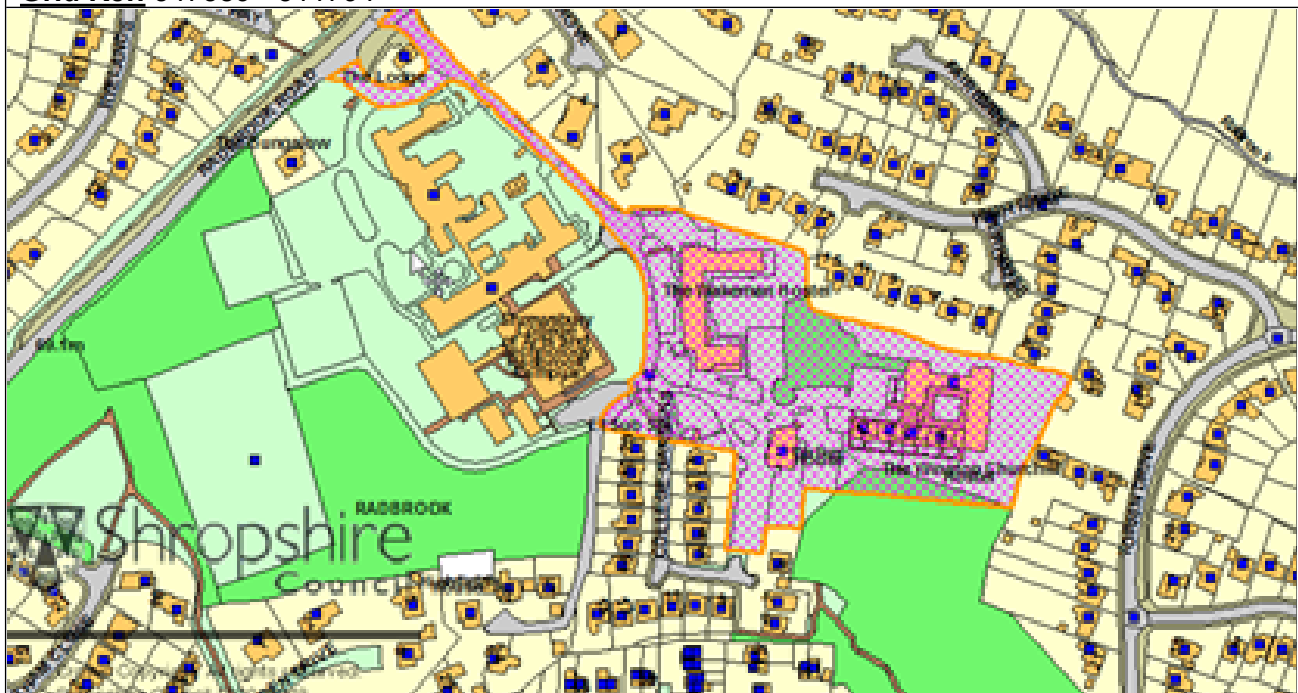
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 17/00822/REM	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Approval of reserved matters (siting, design, appearance, landscaping) pursuant to 15/00490/OUT for mixed residential development of 22 units including conversion of Walker House; highway works; formation of estate roads; landscaping works including felling of trees; formation of wetland area; discharge of condition 10(Construction Method Statement) attached to 15/00490/OUT		
<u>Site Address:</u> Shrewsbury College Of Arts And Technology Radbrook Campus Radbrook Road Shrewsbury Shropshire		
<u>Applicant:</u> Floreat Living Ltd		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 347389 - 311794



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

REPORT

1.0 THE PROPOSAL

1.1 This application relates to Approval of reserved matters (siting, design, appearance and landscaping) pursuant to 15/00490/OUT for mixed residential development of 22 units including conversion of Walker House into two dwellings to include formation of estate roads, landscaping works (including felling of trees) and formation of wetland area.

1.2 The proposal also includes details to be required to be submitted by conditions 5 to 9 of the outline consent:

Condition 5 -Landscape and habitat management
Condition 6 – Bat mitigation strategy
Condition 7 – Arboricultural assessment
Condition 8 – Footpath and cycle link to Torrin Drive
Condition 9 – Surface water drainage

1.3 The submission also includes details to discharge pre-commencement conditions 10:

Condition 10(Construction Method Statement)

1.4 The proposal has been amended slightly to that first submitted to address some of the issues raised by the public and consultees. On this part of the site the amendments to the layout include the repositioning of the proposed access road slightly further North of College Gardens, to increase the landscaping buffer along the boundary with 20 College Gardens, and revisions to the soft landscaping proposals in accordance with the tree officer recommendations. The majority of the plans for all the house types have been amended but these relate to very minor tweaks to their design and appearance including changes to floor areas, porch/entrance detail and window and door design.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed development site is part of a larger area of land previously in educational use and the former site of Radbrook College. This application relates to the land previously owned by Shropshire Council which is the smaller part of the site adjacent to and accessed via the larger site to the West which was previously owned by the Radbrook Foundation. A separate Reserved Matters application (17/00821/REM) has been submitted concurrently with this application in addition to an application for change of use of additional land to provide public open space (17/00823/COU).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Members approved the outline application subject to any subsequent application for reserved matters to be considered by Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **SC Conservation:** Following on from a recent site meeting and subsequent meetings with the applicant and agent, a number of details of the scheme have been satisfactorily revised, including most particularly from a historic environment perspective, the retention of a return element of the existing services range of the original Radbrook College building, which in our view provides for a more satisfactory level of retention of the heritage asset and improved visual presentation at this main entrance to the larger site along with a better built form relationship with the adjacent existing Lodge building. No further comments on the current revised scheme, and conditions requiring agreement of all external materials, decorative finishes, boundary features and hard and soft surface materials should be included in the Decision Notice.

4.1.2 **SC Parks and Recreation:** Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.

The Design and Access Statement acknowledges the need for open space as set out under SAMDev Policy MD2. As there are more than 20 dwellings, the number of bedrooms needs to be considered.

The development includes 379 bedrooms equating to 379 people. Working on 30 m² per person it equates to an area of 11,370 m².

The full development plan attached to the application shows the OS area extending to 11,946 m², which we consider fulfils the planning criteria.

4.1.3 **SC Trees:** No objection to this application subject to conditions.

The proposed development seeks approval of reserved matters (siting, design, appearance and landscaping) pursuant to outline planning permission granted under 15/00491/OUT for mixed residential development of 22 residential units, including the conversion of Walker House, and associated, site roads, POS, infrastructure and landscaping.

An Arboricultural Impact Assessment (AIA) has been submitted with the planning application. The preparation and format of the AIA has followed the recommendations of BS 5837: 2012 'Trees in relation to design, demolition & construction; Recommendations' and seeks to identify the impacts to trees and shrubs that would result from the proposed development, provide reasons and

justification for tree removal and propose mitigation to ameliorate the impact identified. The AIA includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

As a whole, the proposed development would result in the loss of 83 individual trees, (1 Cat. A, 23 Cat B and 59 Cat C) along with 20 groups of trees (3 Cat B and 17 Cat C). The majority of the tree removal was considered under the outline application and was approved subject to extensive new tree planting being provided by way of a landscaping scheme attached to the development as part of the reserved matters and that the retained trees would be accommodated within the site layout in a way that was harmonious with the proposed future land use and that they would be satisfactorily protected during the construction phase of the development.

I have reviewed the site layout, tree protection plans and am satisfied that the key landscape and amenity trees on the site have been retained and that the layout of the site has been arranged to ensure that these retained trees are harmonious with the new land use and do not negatively impact on the long-term residential amenity of any of the proposed dwellings, infrastructure or amenities. I am also satisfied that the proposed tree protection measures will satisfactorily protect the trees to at least the minimum standard recommended by BS 5837, subject to conditions requiring the submission of engineering details for the proposed 'no dig' low impact paths and that all works are in accordance with the submitted Tree Protection Plans and Arboricultural Method Statement referenced above.

The landscaping of the site has been the subject of much discussion and I am now satisfied that the proposed scheme referenced above will provide a satisfactory level of compensatory planting, uses appropriate species and planting locations to ensure that the development is integrated into its environment and that the visual impact of the new buildings in the landscape is softened at key public viewpoints and the verdant character of the area is retained and that the layout of the scheme compliments the development and enhances the appearance of the site and surroundings and will provide adequate canopy cover for the site, which is sustainable in the long-term.

On balance I consider that the proposed development is compliant with policy CS 6 of Shropshire Council Core Strategy, policies MD2 & MD 12 of the adopted SAMDev scheme and the general principles of sustainable development described in the NPPF.

4.1.4 **SC Ecology:** The information provided is sufficient to support REM application 17/00822.

5. As part of the first application for Reserved Matters a landscape and habitat management plan shall be submitted to and approved by the local planning authority. The plan shall include:

- a) *Description and evaluation of the features to be managed;*
- b) *Ecological trends and constraints on site that may influence management;*
- c) *Aims and objectives of management;*
- d) *Appropriate management options for achieving aims and objectives;*
- e) *Prescriptions for management actions;*
- f) *Planting plans, including wildlife habitat and features (e.g. hibernacula)*
- g) *Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)*
- h) *Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)*
- i) *Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works*
- j) *Implementation timetable*
- k) *Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);*
- l) *Personnel responsible for implementation of the plan;*
- m) *Monitoring and remedial/contingencies measures triggered by monitoring*

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

An updated ecological survey has been undertaken in order to create a landscape and habitat management plan which takes into account the current biodiversity features of the proposed development site.

Badgers

The development site has been surveyed for evidence of badgers on a number of occasions between March 2016 and 25th April 2017. No evidence of badger was found on the application site or within 30m of the surveyor accessible land surrounding the application site

Great Crested Newts

eDNA analysis of 3 ponds within close proximity of the site has been undertaken. eDNA is an accepted survey technique by Natural England for determining presence/absence of great crested newts in a pond. The survey was conducted at the appropriate time of year (April 2017). The ponds recorded absence of great crested newts.

SC Ecology has made a site visit to inspect the proposed development site and has concluded that due to the lack of water the wet areas present would not be suitable for breeding great crested newts. The habitat enhancements as part of this planning application will ensure that a suitable breeding pond is available for amphibians in the future. This will therefore enhance the area for biodiversity.

As there has been a great crested newt recorded in the surrounding area an Ecological Clerk of Works will be provided to oversee site clearance work, including the removal of vegetation. If a great crested newt is found at any stage of the development, works must halt and the ecologist and Natural England contacted for advice. The developer is aware of this.

Reptiles

A reptile survey has been conducted. A map has been provided by Star Ecology which shows the locations of the reptile mats during the survey work. No reptiles were recorded. The Great Crested Newt method statement will protect reptiles and amphibians.

Nesting Birds

Existing swift nest locations should be retained and protected. Additional bird nesting opportunities will be provided as indicated on the Landscape Plan prepared by AHR Architects.

Landscape & Habitat Management Plan

The information included within the Landscape & Habitat Management Plan provides an implementation timetable. Works on site will be completed by 2021, and it will be the responsibility of Floreat Homes. The Landscape Plan prepared by AHR Architects Ltd dated 10/27/2016, drawing number 691-AHR-DR-L-ZZ-90-018, shows the bat and bird enhancements that are proposed. Ecological connectivity is being retained through the site and an existing area of wet woodland is being restored to a pond, swift nests are being retained, and bird and bat boxes are being installed. The landscape and habitat management should be carried out as approved. Providing SC Tree Team are able to support the landscape proposal and they are of the opinion that appropriate species are used, SC Ecology is able to confirm that the information provided is sufficient to cover REM condition 5.

Condition 6: Bats

6. As part of the first application for Reserved Matters a Final Bat Mitigation Strategy shall be submitted, which must comply with the principals set out in the Outline Bat Mitigation Strategy by Red Kite dated May 2015, including submission of a revised Preliminary Bat Roost Assessment, lighting, landscaping and artificial bat roosts.

Reason: To ensure the protection of bats, a European Protected Species

- The Lodge

A Dusk Bat Emergence Survey (29th July), a search for physical evidence of bats (11th August), and a dawn bat re-entry survey (27th August) was conducted on the Lodge by Star Ecology in 2016. Survey results indicate that the Lodge is not used by bats for roosting purposes.

- Walker House

A Dawn re-entry survey (13th June), a dusk bat emergence survey (22nd July), and physical evidence of bats was searched for (11th August) at Walker House by Star Ecology in 2016. Survey results indicate that Walker House is not used by bats for roosting purposes.

- Modern Type Buildings

The Modern-Type buildings within the Radbrook Village Site do not provide potential bat roost habitat.

- Main Building

A Dawn Bat re-entry survey (11th June), a dusk bat emergence survey (18th July) and a search for physical evidence of bats and their roosts was conducted on the Main Building by Star Ecology in 2016. Survey results indicate that the Main Building is not used by bats for roosting purposes.

- Trees

Trees were inspected for bats and the Radbrook Village Site does not provide potential roosting habitat and trees are not (likely to be) used by bats for roosting purposes.

Star Ecology Star Ecology has concluded that there are no bat roost features on the buildings or the trees. Star Ecology discounted bat roost features previously identified in 2015. It is not clear why bat activity survey work was conducted when there were no identified bat roost features, however the detailed survey allows SC Ecology to conclude that works can proceed without the need for an EPS licence form Natural England.

In order to cover condition 6 a Bat Mitigation and Enhancement Plan has been submitted.

- Three groups of three Schwegler 2FR Bat Tubes will be installed within exterior walls of the Main Building within The Radbrook Village Site
- 10 Schwegler 1FD Bat Boxes will be installed on mature trees (to remain) within The Radbrook Village Site
- A bat light sensitive scheme has been devised
- As a precautionary measure the Ecological Clerk of Works will oversee the removal of all roof structures of the Main Building, The Lodge and Walker House

4.1.5 **SC Highways:**

Observations/Comments:

The scale of this proposed development is considered acceptable, Shropshire Council as Highway Authority raises no objection to the granting of consent for the above.

Access and Layout.

It should be noted that the proposed access and layout of the proposed development is acceptable based on a general horizontal appraisal of the layout submitted, for the purposes of fulfilling the consultation on this reserved matter application. The developer is recommended to seek a full Technical Assessment of the proposed highway works, as part of the required Highway Agreements.

Footway link to Torrin Drive

Condition 8 of Planning permission 15/00490/OUT required provision of a footpath/cycleway up to the South East of Walker House to enable a footway/cycleway link be provided between the proposed development site and the existing footpath to Torrin Drive It is considered that a suitable link has been provided.

Construction Management Plan

Condition 10 of Planning Permission 15/0490/OUT requires the submission of a Construction Management Plan to be submitted and approved, whilst the details submitted are acceptable in principle, there are incomplete sections therefore, further information will need to be submitted for approval once a Principal Contractor has been appointed and prior to works commencing.

- 4.1.6 **SC Drainage:** The surface water drainage proposals are acceptable.
- 4.1.7 **SC Public Protection:** Having considered the gas monitoring information I can confirm that I am in agreement and no mitigation is necessary. I generally have no objection to the proposed development. I would however recommend that in order for the development to be classed as sustainable there is a need to ensure that the development provides electric charging points suitable for vehicle charging in properties that have off road parking.
- 4.1.8 **Shropshire Council Learning and Skills:** Reports that the local primary and secondary schools to this development have no excess capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary at those schools. It is recommended that additional capacity pressures from a development of this size is addressed by way of CIL tariff.
- 4.2 **- Public Comments**
- 4.2.1 Shrewsbury Town Council: The Town Council has no objection to this parcel of land being incorporated within the development site to facilitate the provision of open space provided that the necessary landscaping conditions and S106 agreement for future maintenance. In relation to open space we believe that the provision of infant and junior play provision cannot be accommodated on site and meet the 25m/50m buffer zones between play and the nearest property. We would like to see that play space is removed in lieu of improvements to neighbouring infant and junior space for which a sum of £60k for provision being conditioned.
- 4.2.2 Cllr Keith Roberts: (Comment received in relation to application as first submitted). As the Radbrook Councillor I object to this application because of the proposed build up of road way at the rear of 20 and 22 and old Farm house at College Gardens, it is proposed that it will be built up by 2 metres with no indication of materials to be used and it would allow visual access into rear Gardens and rooms of these dwellings. I object to the play areas being located where they are as they do not come up to the Town Council play policy into close to current dwellings. I object to the location and size of the independent living unit it is proved to tower alongside Radbrook Road totally out of keeping for the area, there is also inadequate parking (17) for this block.
- 4.2.3 Shropshire Wildlife Trust: (Comment received in relation to application as first submitted). The development will result in the loss of a significant area of habitat from the site and from the documents provided we are unable to agree with the claim that the remaining area of green space will in fact provide a greater wildlife or

amenity value.

Given our experience of habitat management plans for other developments we would ask that a clearer but more detailed document is produced. The current plan does not contain sufficient detail to ensure that biodiversity gains will be delivered and that this could be demonstrated for the life of the development. It also makes reference to numerous other documents and so generates confusion.

For example:

- We can find no details of swift nesting features, bird nesting features, bat roosting features. What are the specifications? Where are the locations?
- No details of pond excavation methods.
- Inclusion of inappropriate species in planting plans, e.g. *Cotoneaster simonsii* (a non-native invasive listed in Schedule 9 Part 2 of the Wildlife & Countryside Act 1981 and advised against by Plantlife and RHS).
- No details of grass/wildflower seed mix or subsequent management.
- No details of management after 5 years from completion (condition 5 requires the plan shall be carried out for the lifetime of the development).

We have additionally been made aware of a recent sighting of a gravid female great crested newt within 75m of Pond 1 on the development site. It would therefore appear likely that despite the low HIS scores pond 1 still provides a breeding opportunity for great crested newts and this should be further investigated and measures and enhancements incorporated into an updated and improved habitat management plan.

- 4.2.4 CPRE: Object - When viewing the proposed site plan one cannot help but think that the developer's intention is to maximise the number of dwellings on the site to the exclusion of all other considerations.

In particular we object to the absence of any sport and recreational facilities. For many years the Radbrook College playing field has been available for the leisure and recreation of local people. The loss of this facility is totally contrary to Core Strategy Policy CS16 which aims to "*deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital roll that these sectors play for the local economy*".

The current high level of development in and around Shrewsbury is in danger of creating a total imbalance between local green space, recreational areas and housing. CPRE consider that the existing College playing field should be retained as an undeveloped area.

- 4.2.5 Shropshire Playing Field Association: Object to the application and object that Sport England have not been consulted on this application as a statutory consultee as there is clearly a loss of a high quality playing field on this site.

The Radbrook College site includes a flat rectangular piece of grassed land measuring approximately 0.47 ha; this land was formerly part of the Radbrook College Site.

According to historic photos and local intel this land is high quality playing field land (a former high quality hockey field) which has been maintained as mown grass, (upto the College closure in 2014) being used by students for a multi functional facility including sport, walking etc. It has not been used for horticulture and is not brownfield.

It should be noted that Shropshire Council has failed to provide an open space needs assessment as required by NPPF 73.

Shropshire Playing Field Association are of the opinion that the last use of the rectangular piece of land is playing field therefore, it would normally be expected that Sport England as a non-statutory consultee would be consulted on such a matter, but according to Sport England they to date have not.

Our shared view is that an application for the loss of a playing field even if it had not been in formal use for the past 5 years should be protected and should follow nppf74 guidelines.

Sport Englands playing field policy is clear and should be applied to all developments affecting all playing fields regardless of when the field was last in use, it should be noted government planning policy in paragraph 74 of the nppf does not distinguish between current and former playing field sites.

We believe the local planning authority should give due regard to this point and at the very least consult sport England on this matter before making a decision.

4.2.6 **Comments from local residents**

Summary of objections received from the public in relation to the proposal as first submitted and as amended. This is only a summary of public comments received and full comments can be viewed on the file.

Summary of comments regarding the development as a whole

- ❑ Concerned about the effect on the trees and the harsh clearance of the hedges and trees next to Radbrook Road
- ❑ Concerned about the effect of increasing the population on the infrastructure of the area by hundreds of new residents on top of previous recent developments.
- ❑ The proposed roundabout and splitter island are unsafe and the increase in traffic that is going to occur is going to be intolerable and another road access should be included in this design to reduce the traffic.
- ❑ Childrens play areas for up to 5 years must be 25 metres from any buildings and for 6 to 12 years 50 metres from buildings.
- ❑ The two proposed equipped play areas are too small for their purpose and of

limited use and welcome the town clerk's proposal that the developers should contribute to the development of the existing Radbrook play areas, which would benefit the community as a whole.

- ② Building on an existing playing field is contrary to national and local policy and disagrees that because it has not been used for more than 5 years it is not a playing field.
- ② The evidence base documents when preparing SAMDev noted at EV13 that *'In light of the importance of outdoor sports facilities to residents, and their role in increasing physical activity, it will be important to ensure that all sites are protected from development unless it can be proven that the site is surplus to demand'* and that *'developments should make provision for the open space, sport and recreation needs that they generate'*.
- ② Residents of the development should have access to a playing field within walking distance, and maintaining, improving and opening up the playing field, or part of the playing field to the wider community would benefit all residents..
- ② The plans are different to those viewed at the outline stage resulting in a very different type of development.

Summary of comments from or regarding the aspects of the proposal affecting residents South of the site in College Gardens

- ② The entrance to College Gardens in the outline plan shows an area of grass between no 20 and the road to Walker House and the retention of an established flowering cherry tree and wishes this to be reinstated.
- ② The proposed road to the North (and footpath to the West) of College Gardens is too close to the boundary of existing houses resulting in noise, disturbance and loss of privacy and would also affect security (especially affecting 20 College gardens).
- ② The house on plot 130 to rear of no 3 College Gardens will overlook the rear garden of 4 College Gardens leading to a loss of privacy and will overshadow a number of existing dwellings in College Gardens.
- ② The ultra modern new house designs although far better than the old council building currently awaiting demolition, will clash with the traditional housing currently in College Gardens and most importantly the imposing Victorian College and Walkers House.

Summary of comments from or regarding the aspects of the proposal affecting residents North of the site in High Ridge Way and Perivale Close and to the East of the site in Torrin Drive

No response has been received from residents to the neighbour notification in these locations.

5.0 THE MAIN ISSUES

The principle of development including the means of access to the site has already been established by the Outline application. The purpose of this reserved matters application is to determine whether the matters reserved for approval and required to be submitted by the Outline permission at this RM stage are acceptable, and in this instance include the following:

- ☒ Layout, scale and appearance
- ☒ Impact on residential amenity
- ☒ Landscaping, tree protection and open space provision
- ☒ Ecology and protected species
- ☒ Highways, access and footpath links
- ☒ Surface water drainage

6.0 OFFICER APPRAISAL

6.1 Layout, scale and appearance

- 6.1.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.1.2 This proposal to provide a total of 22 units includes the conversion of Walker house into 2 dwellings and the erection of 20 detached dwellings. The principle of which buildings would be demolished was established at the outline stage and on this part of the site Walker House was the only building considered to be of any architectural and historic merit. It is considered that the proposed conversion of Walker House into 2 dwellings would have no adverse impact on its character and appearance and its new use would ensure its long term preservation, and the wider development of the site will enhance its setting.
- 6.1.3 The new build development on this part of the site includes detached 3 and 4 bedroom houses of a modern design and include a variety of house types including 'The Stables', 'The Woodland' and 'The Brook'. As the majority of the house types will not be viewed in the context of existing housing their fresh and modern design is acceptable and will result in a high quality living environment comprising bespoke and individually architect designed homes rather than an 'off the peg' houses found on modern housing estates.
- 6.1.4 Some existing residents have expressed concern that the layout and house types are significantly different to that indicated at the outline stage. However those plans were for illustrative purposes to show what might be achieved on this site.

The illustrative masterplan for this part of the site indicated that Walker House would be converted to 7 flats and 30 new dwellings erected. This scheme is significantly reduced in density to provide a total of 22 dwellings and provides for a much more spacious layout with more open green space. It is considered that the layout of the development is acceptable and the reduced number also reduces the number of vehicle movements generated and the amount of hard surfaced parking areas required thus enhancing the overall appearance of the development.

6.2 Impact on residential amenity

- 6.2.1 The parts of the site that have the potential to impact on existing residents is the development closest to existing boundaries with existing homes. Residents to the top end of College Gardens adjacent to this development site expressed concern about the proximity of the proposed road and footpaths to their boundaries resulting in noise and disturbance and a loss of privacy. The layout has been amended and the proposed access road North of College Gardens has been re-positioned slightly further North to provide a landscape buffer with the boundary with 20 College Gardens. The existing road adjacent to the boundary with the rear of 15 – 20 College Gardens will be re-located further West and a landscaped buffer provided. It is considered that the revised position of the new road and footpaths will not introduce any noise and disturbance adjacent to private rear gardens significantly greater than that which currently exists.
- 6.2.2 The proposed dwelling that will be closest to the boundary with existing houses is the 'Stables' type house for plot 126 to the rear of 2, 3 and 4 College Gardens. The 'Stables' house type is a two storey detached house with a single storey element to the side. The two storey element will be over 18 metres from the rear of the house on plot 3 and the single storey element will be over 13 metres. At this distance it is considered that the building would not appear overbearing or obtrusive. It is also situated to the East so will not overshadow or result in a loss of light. There are also no first floor windows proposed in the West facing elevation so there is no potential for overlooking and a loss of privacy. A condition can be imposed to ensure that none are added in the future.
- 6.2.3 The majority of the 'Brook' and larger 'Woodland' type houses are positioned far enough away from existing boundaries so as not to have potential to impact on existing residential amenity. The closest is the 'Woodland' proposed on plot 119 but as it will be situated to the side of 9 Perivale Close and as the only first floor windows that would face this house are the proposed first floor bathroom windows the proposal would not result in overlooking and a loss of privacy. The 'Woodland' house on plot 120 does have first floor windows that face properties in Torrin Drive but as they will be facing the side of the nearest house (37 Torrin Drive) and at a distance of almost 17 metres they will not result in a loss of privacy.
- 6.2.4 The only other houses closest to existing boundaries are the 'Stables' type on plots 104 – 107 that share a rear boundary with the existing houses on High Ridge Way. However due to the distance between the rear of the existing and proposed houses of approximately 20 metres it is considered that the proposed dwellings would not appear obtrusive or overbearing or result in a loss of privacy or loss of light. The side of the house on plot 107 will be approximately 12 metres from the side of 15

High Ridge Way but as this part of the proposal is not full height two storey and as there are no windows in the gable end elevation it would have no significant adverse impact on this existing property.

6.3 **Landscaping, tree protection and open space provision**

Condition 5 -Landscape and habitat management

Condition 7 – Arboricultural assessment

- 6.3.1 There is one main area of landscaped open space on this site which will be located in between College Gardens to the South and the new 'Brook' and 'Stable' type properties to the North. The revised landscaping plans indicate that the area of open space will include the retention of existing trees in this location and additional landscaping and the provision of footpaths through the space. It also includes the provision of earth mounds of varying heights and earth depressions of varying depths sown with species rich grassland and wild flowers.
- 6.3.2 The revised landscaping proposals and tree protection details also indicate alterations to planting positions and the species selection for trees and hedgerow as some originally chosen were considered inappropriate by the tree officer. The moving of the internal site road further North of College Gardens has moved the road into the RPA of a retained lime tree and the submitted arboricultural report includes a construction method statement to deal with the installation of this road.
- 6.3.3 The tree officer has confirmed that the tree protection measures and landscaping proposals are acceptable and the recommended conditions will ensure that the landscaping proposals are fully implemented and maintained and the trees to be retained are adequately protected during construction.
- 6.3.4 The CPRE and Shropshire Playing Fields Association object to the application due to the loss of what they consider to be a playing field and that Sports England should have been notified about this planning application. However the requirement to notify Sports England as a Statutory Consultee is outlined in the NPPF and NPPG and this issue was covered in the Outline report to committee and is reproduced here:

At the pre-application stage the matter was raised regarding the existing recreational facilities on the Radbrook Foundation site and the potential loss of sports pitches. The English Sports Council (Sport England) should be consulted on Planning applications where the development is likely to result in the loss of use of land being used as a playing field or land that has been used as a playing field at any time in the last 5 years. A playing field means a site which encompasses at least one playing pitch. The planning statement outlines that an area of land (approximately 0.47ha in size) in the South West corner of the Radbrook Foundation application site was historically used as a single sports field associated with the former college but has not been used as a sports pitch for a number of years. The field was never used for its intended purpose by Shrewsbury College and this part of the site was made available to Walford College for horticultural activity and was not used for sports purposes during their tenancy (1992 – 1997) or since. This part of the site has therefore not been used as a playing pitch for in excess of 30 years.

As there are currently no playing pitches at the site and have not been in the previous 5 years then Sport England do not need to be consulted regarding this application. Furthermore although the planning statement refers to guidance in paragraph 74 of the NPPF regarding development of sports pitches and the criteria provided by Sport England to prevent the redevelopment of sports pitches this is not relevant to the determination of this application. However the planning statement has addressed these matters and in summary concludes that the requirements of paragraph 74 of the Framework and the Sport England document 'Sporting Future for the Playing Fields of England' are in any case satisfied. A relatively small part of the application site was formally used as a sports pitch but this use ceased many years ago (believed to be in excess of 30 years). The Council's Playing Pitch Strategy does not identify a shortfall in sporting facilities that can be met on this site and new sporting facilities are proposed at the Shrewsbury College of Arts and Technology site as consequence of the relocation of Radbrook Campus. There will therefore not be a net loss in sporting facilities as a consequence of the replacement facilities and no adverse impacts on sporting facilities as a consequence of the proposed development.

6.3.5 The NPPG advises that local planning authorities are statutorily required to consult Sport England in certain cases where development affects the use of land as playing fields. But as explained in the outline committee report and reproduced above Sport England are not statutorily required to be consulted as the proposed development does not affect a playing field. The NPPG also advises that where there is no statutory requirement to consult, local planning authorities are advised to consult Sport England in cases where development might lead to:

- *loss of, or loss of use for sport, of any major sports facility;*
- *proposals which lead to the loss of use for sport of a major body of water;*
- *creation of a major sports facility;*
- *creation of a site for one or more playing pitches;*
- *development which creates opportunities for sport (such as the creation of a body of water bigger than two hectares following sand and gravel extraction);*
- *artificial lighting of a major outdoor sports facility;*
- *a residential development of 300 dwellings or more.*

As none of the above apply Sport England have not been consulted.

6.3.6 With regards to public open space (including playing fields) Paragraph 74 of the NPPF states the following:

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;*
or
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Paragraph 74 only relates to existing public open space, sports and recreational facilities and playing fields. The applicant provided a full assessment of the above points within their planning statement at the outline stage and the officer report noted that a consideration of these points with regards to sports pitches is not relevant in determination of the application as there are no existing sports pitches at the Radbrook site and have not been for several years. The development of this site would not result in the loss of existing public open space or playing fields.

- 6.3.7 With regards to the provision of public open space the Council's Parks and Recreation Manager has confirmed that the amount of Public Open Space proposed (when looking at all three sites together and based on the total number of houses and bedrooms) exceeds the MD2 policy requirement of 30sqm per person (equivalent to 3 hectares per 1,000 population). The amount of open space proposed is almost 12,000 square metres (1.2 hectares) which is considered acceptable and in accordance with National and Local Policy. It is proposed that all the open space across the three sites will be managed by the Town Council and this will be subject to a separate agreement between the Town Council and the developer.
- 6.3.8 Equipped children's play areas were indicated to be included within the open space on this part of the development site which would have been adopted by Shrewsbury Town Council. However local residents agree with the Town Council that the developers should contribute to the development of the existing infant and junior play areas in the Radbrook ward, which would benefit the community as a whole. The sum of £60,000 requested for this will be secured by a S106 attached to the application for change of use of scrub land to provide formal public open space. The layout plan has been amended to omit the provision of on site equipped play areas.

6.4 **Ecology and protected species**

Condition 5 -Landscape and habitat management
Condition 6 – Bat mitigation strategy

- 6.4.1 Although the proposal will result in the loss of some areas of habitat suitable for a range of wildlife the proposed open space provision and managed green areas across all three sites will provide greater ecological enhancement and amenity value. The Councils Ecologist has confirmed that the submitted Landscape and habitat management plan shows an existing area of wet woodland to be restored to a pond that will ensure a suitable breeding pond is available for amphibians in the future. The plan also shows the bat and bird enhancements that are proposed including swift nests being retained, and bird and bat boxes being installed. Ecological connectivity will also be retained and enhanced across all three sites and the proposal will enhance the area for biodiversity.
- 6.4.2 An Ecological survey and report was submitted at the Outline stage and the updated surveys and ecological reports include a final bat mitigation strategy and badger mitigation plan as required by condition 6 and 12 attached to the Outline consents. No evidence of badger was found on the application sites or within 30m

of the surveyor accessible land surrounding the application sites. The updated bat survey has recorded no bats using the trees or buildings as a place of rest or shelter and that there were no bat roost features on the buildings or the trees. Although a great crested newt (GCN) has been recorded in the area the ponds recorded the absence of GCN and the Councils Ecologist has made a site visit to inspect the proposed development site and has concluded that due to the lack of water the wet areas present would not be suitable for breeding GCN. The submitted surveys and reports also conclude that an EPS licence is not required.

- 6.4.3 Shropshire Wildlife Trust objected to the proposal as first submitted but the revised landscaping details have addressed the issues that they raised. As mentioned above this includes the restoration of a pond, and bat and bird enhancements including swift nests being retained, and bird and bat boxes being installed. The planting has also been amended in accordance with the Councils tree officer and ecologists recommendations, the ecological connectivity will be retained and enhanced across all three sites and it is considered that the proposal will enhance the area for biodiversity. The Councils Ecologist is satisfied with the landscape and habitat management plan (required to be submitted by condition 5) and has confirmed that the proposed landscaping of the site will provide significant ecological enhancement of the site. In addition private rear gardens as they mature often offer opportunities for enhanced bio-diversity.
- 6.4.4 The details required to be submitted by conditions 5 and 6 (including the submitted landscape and habitat management plan that includes an implementation timetable, preparation of works schedule, details of personnel responsible for implementation of the plan and monitoring and remedial/contingencies measures) are considered acceptable. However condition 5 required details of '*a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually*'. It is also understood that Floreat Homes intend to transfer their responsibilities for maintaining and managing these areas to Shrewsbury Town Council.
- 6.4.5 It is therefore necessary to impose a condition to ensure that the landscaping and habitat management plan is implemented as approved and that further details of the short term and long term management are provided. Although it is understood that the developer will enter into a separate agreement with the Town Council to ensure the long term management and maintenance of these areas a condition is still required to secure this.

6.5 **Highways, Access and footpaths**

Condition 8 – Footpath and cycle link to Torrin Drive
Condition 10(Construction Method Statement)

- 6.5.1 Access to the site is via the adjacent site and the provision of a new roundabout on Radbrook Road. Highways have reviewed and have no objection to the submitted and amended plans and information including details of the roundabout access and the internal road layout.

- 6.5.2 The technical approval of the new roundabout and improvements to the existing highway will be subject to a Section 278 agreement and works cannot commence on this aspect of the proposal until the engineering details have been approved under a Section 278 agreement.
- 6.5.3 The internal road layout is satisfactory, adequate parking provision is indicated and the construction of the internal roads to adoptable standard will be subject to a Section 38 agreement.
- 6.5.4 Condition 8 attached to the outline permission required that the layout should include the provision of a footpath/cycleway up to the boundary of the application site to the South East of Walker House to enable a footway/cycleway link be provided between the proposed development site and the existing footpath to Torrin Drive. A footpath link has been provided and Highways officers have confirmed that this is acceptable.
- 6.5.5 The applicant has submitted a Construction Management Plan to discharge condition 10 but as Highways have confirmed that this is not yet acceptable further details will be required to be submitted and an application for discharge of conditions submitted prior to commencement of development.

6.6 **Drainage**

Condition 9 – Surface water drainage

- 6.6.1 Some residents (particularly those in College Gardens and Gransden Drive) have expressed concern that the raising of land levels and the proposed surface water drainage will impact on neighbouring land. The applicants drainage engineer has provided a response to explain the proposed drainage and address these concerns:

The land to the south of the Radbrook College site currently receives surface water run-off from parts of the existing college building, parts of the undeveloped areas and hardstanding to the south side of the site.

An existing culvert that exits the site from this area is partially blocked outside of the site boundary. Due to this, the water draining in this direction has caused the land to become boggy and flooded.

The redeveloped site will remove the majority of the water that is currently draining to this area by intercepting it in a designed surface water drainage system, where it is attenuated before being discharged into the Severn Trent surface water sewer in Radbrook Road.

The only areas of the site which will discharge into this area are the wooded areas to the south of the estate road.

No development is planned in the southeast part of the site which is currently a wooded area and contains the soakaways serving College Gardens. No changes are proposed to the soakaways themselves, and no additional surface water flows

will enter this area so they will continue to work as they currently do.

- 6.6.2 The Councils Drainage engineer has confirmed that the submitted surface water drainage strategy (required to be submitted by condition 9) is acceptable. They would not confirm that the submitted details were acceptable unless they were confident that the discharge rate from the site would be equivalent to or less than a greenfield run off rate and that the proposal would not result in increased flooding of any adjacent land or highway.

6.7 Contaminated land

- 6.7.1 A Geotechnical Investigation and Contamination Assessment Report have been submitted. Public Protection has confirmed that due to the findings the standard pre-commencement contaminated land condition is required on the adjacent site to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors. However they have not recommended that this is required for this site and having considered the gas monitoring information have confirmed that no further investigation or mitigation is necessary on this particular site.

7.0 CONCLUSION

- 7.1 The principle of development has been established by the Outline permission. It is considered that the proposed layout and landscaping of the site, the scale and appearance of the new dwellings and the conversion of the buildings to be retained is acceptable in scale, density, pattern and design and would not adversely impact on the character and appearance of the locality or residential amenity and therefore accords with CS6 and MD2. When all three sites are considered as a whole more than sufficient open space will be provided and the proposal includes satisfactory ecological enhancement, appropriate measures for the protection of the significant trees to be retained, and the proposed landscaping and tree protection plans are therefore considered acceptable. It is considered that the proposal accords with Shropshire LDF policies CS6, CS17, MD2, MD12 and MD13 and the aims and provisions of the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These 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: NPPF

Core Strategy and SAMDev Policies: CS6, CS17, MD2, MD12 and MD13

RELEVANT PLANNING HISTORY:

15/00490/OUT Outline application (access for approval) for residential development with demolition of existing buildings GRANT 26th April 2016

15/00491/OUT Outline application for residential development including partial demolition of buildings to include means of access GRANT 26th April 2016

16/05163/ADV Signage (freestanding wooden sign erected on a plinth) to advertise new residential development GRANT 24th January 2017

11. Additional Information

List of Background Papers: File 17/00822/REM
Cabinet Member (Portfolio Holder): Cllr R. Macey
Local Member: Cllr Keith Roberts
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the last building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan ref: 691-AHR-DR-L-ZZ-90-026 P13 & Arboricultural Method Statement ref: AMS-AIA-IC-050717-V7 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail 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 and to protect the natural features that contribute towards this and that are important to the appearance of the development.

3. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until full engineering details of the 'no dig' footpaths have been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that retained trees that provide a significant amenity are not damaged by the construction work approved.

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

4. Prior to first occupation / use of the building, full details for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be sited in accordance with the Landscape Plan and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats and birds, in accordance with MD12, CS17 and section 118 of the NPPF.

5. All development, demolition, site clearance, landscaping and biodiversity enhancements shall occur strictly in accordance with the Bat Mitigation and Enhancement Plan prepared by Star Ecology (2nd May 2017), and the Risk Avoidance Measures (RAMs) for Great Crested Newts (22nd May 2017). Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of and enhancements for Bats and Great Crested Newts, a European Protected Species.

6. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority for approval demonstrating implementation of the Bat Mitigation and Enhancement Plan and the Risk Avoidance Measures (RAMs) for Great Crested Newts and ecological enhancement as required by condition 5.

Reason: To demonstrate compliance with the Great Crested Newt, Bat RAMS and ecological enhancements.

7. All hard and soft landscape works (including wildlife habitat and features) shall be carried out in accordance with the approved plans. The landscape works shall be carried out prior to the occupation of any part of the development hereby approved (or in accordance with a time table to be submitted to and approved by the LPA). 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 be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

8. On completion of the approved landscaping, a landscaping, habitat and open space management plan shall be submitted to and approved in writing by the LPA. The plan shall include full details of the future maintenance, management and monitoring of all landscaped areas and open space (other than privately owned, domestic gardens) including a 5 year project register, annual work plan and the means by which the plan will be rolled forward annually and details of who shall take responsibility for implementation of the plan. The future maintenance, management and monitoring of the site shall be implemented in accordance with the approved details in perpetuity or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

Reason: To ensure the adequate future management and maintenance of the public open space and landscaped areas.

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

9. No first floor windows or other openings shall be formed in the West facing elevations of the house on plot 126, the North facing elevation of the house on plot 119 and the South East facing elevation of the house on plot 107.

Reason: To preserve the amenity and privacy of adjoining properties.



<u>Committee and date</u>
Central Planning Committee
27 July 2017

<u>Item</u>
7
Public

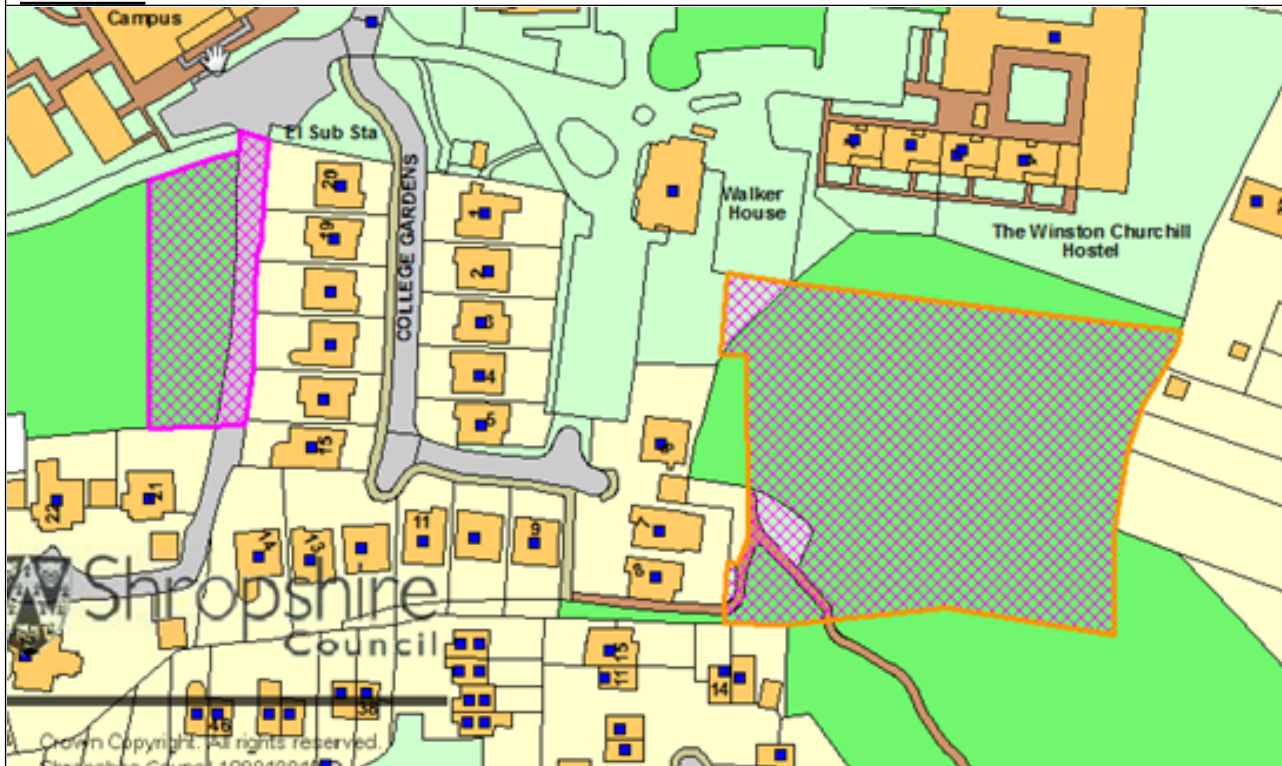
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 17/00823/COU	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Change of use of land to form domestic curtilage land and formal public open space including the construction of a footpath		
<u>Site Address:</u> Shrewsbury College Of Arts And Technology Radbrook Road Shrewsbury Shropshire SY3 9BL		
<u>Applicant:</u> Floreat Living Ltd		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 347389 - 311794



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Recommendation: Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure a sum of £60,000 to contribute to the development of the existing infant and junior play areas in the Radbrook ward.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the change of use of land to form domestic curtilage land and formal public open space including the construction of a footpath which will be a public right of way.

1.2 The application has been submitted concurrently with Reserved matters application 17/00821/REM and 17/00823/REM to provide 126 homes on the former Radbrook College site.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site relates to two separate pieces of land. The largest part is a privately owned piece of scrub land to the East of the Radbrook College site and West of Torrin Drive. The smaller strip is to the West of College Gardens and includes the existing private drive that is to be relocated further West.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The associated applications for Reserved Matters are to be determined at committee as members approved the outline applications subject to any subsequent application for reserved matters being considered by Committee. The Area Planning Manager in consultation with the Committee Chairman agrees that this application should be determined by committee as it is considered that it should be determined at the same time as the related reserved Matters applications are being determined.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Ecology:

Habitat Management Plan

The Soft Landscape Mitigation Strategy which has been submitted in support of this proposal indicates that habitat management within the COU site boundary will include;

- Proactive management of existing trees with thinning of canopies, coppicing, selective tree removal and vegetation clearance to improve the aesthetic and general health of trees.
- Clearance of depression area to create an area of permanent open water supported by appropriate planting to increase the site habitat network
- Removal of garden and household (fly-tipped) rubbish
- Removal of scrub and trees along the eastern boundary. Planting of wide

Ilex aquifolium hedge to the western boundary. Hedge to be maintained at 2.5m minimum height

- Coppice all Salix caprea trees. Selective coppicing and pollarding of Salix fragilis trees
- Removal of trees within the 'natural' depression
- Create habitat piles with brush and cord-wood removed from trees and cleared vegetation stacked in a haphazard fashion
- Removal of trees within the 'natural' depression. Excavation of permanent pond with surrounding wetland / marsh area. Removal of trees from the south shore / margin and selective removal of trees that will cast a shadow over the surface of the pond. Planting of pond with wild-life friendly plants
- Creation of a single chamber artificial badger sett within a non-flooding / water logged area
- Clearance of existing plants including Cornus sanguinea and plant additional understorey planting of: Ribes uva-crispa, Viburnum opulus, Ribes robrum, Corylus avellana, Ilex aquifolium and Lonicera periclymenum
- Clearance of common nettle dominated areas. Planting of these areas and areas of bare ground with a mixture of woodland shade-tolerant herb plant species
- Installation of two 'Schwegler Hedgehog Domes' and two 'Hogitat Hedgehog Homes'

Badgers

The development site has been surveyed for evidence of badgers on a number of occasions between March 2016 and 25th April 2017. No evidence of badger was found on the application site or within 30m of the surveyor accessible land surrounding the application site.

Great Crested Newts

eDNA analysis of 3 ponds within close proximity of the site has been undertaken. eDNA is an accepted survey technique by Natural England for determining presence/absence of great crested newts in a pond. The survey was conducted at the appropriate time of year (April 2017). The ponds recorded absence of great crested newts.

SC Ecology has made a site visit to inspect the proposed development site and has concluded that due to the lack of water the wet areas present would not be suitable for breeding great crested newts. The habitat enhancements as part of this planning application will ensure that a suitable breeding pond is available for amphibians in the future. This will therefore enhance the area for biodiversity. As there has been a great crested newt recorded in the surrounding area an Ecological Clerk of Works will be provided to oversee site clearance work, including the removal of vegetation. If a great crested newt is found at any stage of the development, works must halt and the ecologist and Natural England contacted for advice. The developer is aware of this.

Trees

Trees were inspected for bats and the Radbrook Village Site does not provide potential roosting habitat and trees are not (likely to be) used by bats for roosting purposes.

8 purpose made bird boxes and 8 bat boxes will be installed on mature trees within the application site. SC Ecology requests that the location of these boxes are clearly displayed on a site plan, this can be provided once they are installed, this is so that the condition is enforceable for the lifetime of the development.

Nesting Birds

Additional bird nesting opportunities will be provided as indicated on the Landscape Plan prepared by AHR Architects.

Star Ecology has concluded that the change of use proposal will result in a structurally improved and native species diverse semi-natural woodland with a restored pond.

On completion of the approved landscaping, a landscaping, habitat and open space management plan shall be submitted to and approved in writing by the LPA. The plan shall include full details of the future maintenance, management and monitoring of all landscaped areas and open space (other than privately owned, domestic gardens) including a 5 year project register, annual work plan and the means by which the plan will be rolled forward annually and details of who shall take responsibility for implementation of the plan. The future maintenance, management and monitoring of the site shall be implemented in accordance with the approved details in perpetuity or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

4.1.2 **SC Trees:** No objection to this application subject to conditions.

The area forms part of the proposed landscaping across the wider site. I am satisfied that the change of use will not be detrimental to the current amenity of this area and would enhance and improve its value in the longer-term subject to the conditions recommended below. The provision of paths within the site will improve accessibility and allow for more interaction with this natural asset. I consider that the proposed change of use is compliant with policy CS6 of Shropshire Council Core Strategy, policies MD2 & MD12 of the adopted SAMDev scheme and the general principles of sustainable development described in the NPPF.

4.1.3 **SC Drainage:** The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

4.1.4 **SC Parks and Recreation:** Officers are aware of complaints made about a locked gate on one of the urban footways that leads from College Gardens onto the area in question. We note that there is a proposed footpath through the wooded area, which would allow access through the site providing a needed link in the urban footways network. The majority of these urban footways through Radbrook are on the Council's Highways map as maintainable footways and we would like to see the new routes through the development placed on the Highways map as such routes; this will protect the routes in the future.

4.2 - **Public Comments**

4.2.1 **Shrewsbury Town Council:** The Town Council has no objection to this parcel of land being incorporated within the development site to facilitate the provision of open space provided that the necessary landscaping conditions and s106 agreement for future maintenance. In relation to open space we believe that the provision of infant and junior play provision cannot be accommodated on site and meet the 25m/50m buffer zones between play and the nearest property. We would like to see that play space is removed in lieu of improvements to neighbouring infant and junior space for which a sum of £60k for provision being conditioned.

4.2.2 **Shropshire Wildlife trust:** (Comment received in relation to application as first submitted).

The development will result in the loss of a significant area of habitat from the site and from the documents provided we are unable to agree with the claim that the remaining area of green space will in fact provide a greater wildlife or amenity value.

Given our experience of habitat management plans for other developments we would ask that a clearer but more detailed document is produced. The current plan does not contain sufficient detail to ensure that biodiversity gains will be delivered and that this could be demonstrated for the life of the development. It also makes reference to numerous other documents and so generates confusion.

For example:

- We can find no details of swift nesting features, bird nesting features, bat roosting features. What are the specifications? Where are the locations?
- No details of pond excavation methods.
- Inclusion of inappropriate species in planting plans, e.g. *Cotoneaster simonsii* (a non-native invasive listed in Schedule 9 Part 2 of the Wildlife & Countryside Act 1981 and advised against by Plantlife and RHS).
- No details of grass/wildflower seed mix or subsequent management.
- No details of management after 5 years from completion (condition 5 requires the plan shall be carried out for the lifetime of the development).

We have additionally been made aware of a recent sighting of a gravid female great crested newt within 75m of Pond 1 on the development site. It would therefore appear likely that despite the low HIS scores pond 1 still provides a breeding opportunity for great crested newts and this should be further investigated and measures and enhancements incorporated into an updated and improved habitat management plan.

4.2.4 Three responses have been received from the public that directly relate to this application site summarised as follows:

- ☐ Welcomes the reinstatement of the former pond adjoining Torrin Drive that will provide a wonderful wetland habitat.
- ☐ Pleased that local Radbrook Estate residents will still be able to use the footpath from Torrin Drive to the new estate which will provide an important

route for local school children and residents to access the Radbrook Community shops and schools.

- ☐ Can some untidy areas be retained important for wildlife such as birdlife, frogs, slow worms, grass snakes and toads.
- ☐ Pleased to see that wildflower grassland is planned for the site.
- ☐ Concerned about the impact of the proposed pool and any effects on the marshy land adjacent to 21Torrin Drive.
- ☐ Floreat Homes should not be allowed to add this piece of land to provide additional open space and ecology areas not being provided on the other sites that have outline planning permission.

4.2.5 Over 20 letters of objection have been received which do not directly relate to this site but refer to the development on the adjacent sites and are the same as those submitted in relation to the RM applications and summarised in the relevant reports. These have not been repeated here but are available to read on the file.

5.0 THE MAIN ISSUES

- ☐ Principle
- ☐ Landscaping and trees
- ☐ Ecology and protected species
- ☐ Developer contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site is situated within the urban development boundary for Shrewsbury where residential development of the site is supported by CS2 that identifies Shrewsbury as the focus for all new housing development. The application site is currently privately owned land that is not public open space. Its change of use to either residential use and/or public open space in association with the residential schemes on the adjacent site (or as a stand alone application for public open space for the benefit of existing residents) is considered acceptable in principle.

6.1.2 One resident has commented that this additional land should not be added to the overall development proposal for the former Radbrook College sites to compensate for the loss of green areas or lack of open space on those sites. However a single full application for all three sites for exactly the same layout and including this private land to provide public open space could have been submitted instead and that would have been considered acceptable. It is therefore considered acceptable that this piece of land can be included in the overall development of the Radbrook site and that the proposal can be dealt with as three separate applications.

6.1.3 The addition of this land to the overall proposed development has not resulted in an increased density of housing on the other two sites. The overall density and

number of dwellings has actually reduced compared to that indicated on the illustrative plan submitted at the outline stage.

6.1.4 The inclusion of this land into the overall proposed housing development as well as providing open space to meet the needs of new residents will also benefit existing residents and will also provide a public footpath link from Torrin Drive through the Radbrook site and on to Radbrook Road. There is already a footpath further South that connects to College Gardens but the public are unable to use this as the College Gardens footpath is private and access to it by the public is barred by a locked gate.

6.2 Landscaping and trees

6.2.1 The proposal includes the management of existing trees including the thinning of canopies, coppicing, selective tree removal and vegetation clearance to improve the aesthetic and general health of trees. The tree officer is satisfied that the change of use will not be detrimental to the current amenity of this area and would enhance and improve its value in the longer-term subject to the recommended conditions. The provision of paths within the site will improve accessibility and allow for more interaction with this natural asset.

6.3 Ecology and protected species

6.3.1 In addition to the management of the trees the proposed landscape and habitat improvements to this part of the site include the removal of garden and household (fly-tipped) rubbish, clearance of the existing depression area and excavation of a permanent pond with surrounding wetland / marsh area and planting of pond with wild-life friendly plants. The landscape improvements include clearance of common nettle dominated areas and planting of these areas and other areas of bare ground with a mixture of woodland shade-tolerant herb plant species and the planting of wide Ilex aquifolium hedge to the western boundary. Habitat enhancements include the creation of habitat piles with brush and cord-wood removed from trees, and cleared vegetation stacked in a haphazard fashion, the creation of a single chamber artificial badger sett within a non-flooding / water logged area, and the installation of two 'Schwegler Hedgehog Domes', two 'Hogitat Hedgehog Homes', eight purpose made bird boxes and eight bat boxes.

6.3.2 The submitted ecological surveys and reports include a final bat mitigation strategy and badger mitigation plan. No evidence of badger was found on the application sites or within 30m of the surveyor accessible land surrounding the application sites. The bat survey has recorded no bats using the trees or buildings as a place of rest or shelter and there were no bat roost features on the buildings or the trees. Although a great crested newt (GCN) has been recorded in the area the ponds recorded the absence of GCN and the Councils Ecologist has made a site visit to inspect the proposed development site and has concluded that due to the lack of water the wet areas present would not be suitable for breeding GCN. The submitted surveys and reports also conclude that an EPS licence is not required.

6.3.3 Shropshire Wildlife Trust objected to all three proposals as first submitted but the revised landscaping details have addressed the issues that they raised. As

mentioned above this includes the restoration of a pond, and ecological enhancement of this site. The planting has also been amended in accordance with the Councils tree officer and ecologists recommendations, the ecological connectivity will be retained and enhanced across all three sites and it is considered that the proposal will enhance the area for biodiversity. Star Ecology has concluded that the change of use proposal will result in a structurally improved and native species diverse semi-natural woodland with a restored pond and the Councils Ecologist has confirmed that the proposed landscaping of the site will provide significant ecological enhancement .

- 6.3.4 It is understood that Floreat Homes intend to transfer their responsibilities for maintaining and managing this proposed public open space to Shrewsbury Town Council. Although the developer will enter into a separate agreement with the Town Council to ensure the long term management and maintenance of these areas a condition will be imposed to ensure that this detail is approved.

6.4 **Developer contributions**

- 6.4.1 It is usual for a development of this size to include on site equipped children's play areas and this was originally included and would have been adopted (along with the open space) by Shrewsbury Town Council. However local residents agree with the Town Council that the developers should contribute to the development of the existing infant and junior play areas in the Radbrook ward, which would benefit the community as a whole. The sum of £60,000 requested for this will be secured by a S106 attached to this planning application.

7.0 **CONCLUSION**

- 7.1 The proposed open space, landscaping and ecological enhancements can be secured for both existing and future residents, improving their environment, and will also benefit wildlife. A sum of £60, to contribute to the development of the existing infant and junior play areas in the Radbrook ward, can be secured by a S106. Officers recommend approval subject to a S106 and the conditions within Appendix 1.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, 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: NPPF

Core Strategy Policies: CS2

11. Additional Information

List of Background Papers: File 17/00823/COU

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Keith Roberts

Appendices

APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the last building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan ref: 691-AHR-DR-L-ZZ-90-026 P13 & Arboricultural Method Statement ref: AMS-AIA-IC-050717-V7 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail 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 and to protect the natural features that contribute towards this and that are important to the appearance of the development.

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

4. All hard and soft landscape works (including wildlife habitat and features) shall be carried out in accordance with the approved plans. The landscape works shall be carried out prior to the occupation of the 50th unit of accommodation approved on the application site 17/00821/REM (or in accordance with a time table to be submitted to and approved by the LPA). 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 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.

5. Prior to the occupation of the 50th unit of accommodation approved on the application site 17/00821/REM (or in accordance with a time table to be submitted to and approved by the LPA), an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority for approval demonstrating implementation of the Risk Avoidance Measures (RAMs) for Great Crested Newts (22nd May 2017), and completion of habitat management as agreed by the 'Soft Landscape Mitigation Strategy', drawing number 691-AHR-DR-L-ZZ-90-018 REV P8, prepared by AHR Architects Ltd.

Reason: To demonstrate compliance with the Great Crested Newt, Bat RAMS and ecological enhancements.

6. Prior to the occupation of the 50th unit of accommodation approved on the application site 17/00821/REM a habitat management plan for the lifetime of the development must be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring;
- i) The financial and legal means through which the plan will be implemented.

The future maintenance, management and monitoring of the site shall be implemented in accordance with the approved details in perpetuity or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

7. If non permeable surfacing is used on the domestic curtilage land and formal public open space including the construction of a footpath, the applicant should submit for approval a surface water drainage system. The surface water drainage shall be implemented as approved.

Reason: To ensure that, for the disposal of surface water drainage is undertaken in a sustainable manner.

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Committee and date
 Central Planning Committee
 27 July 2017

Item
8
 Public

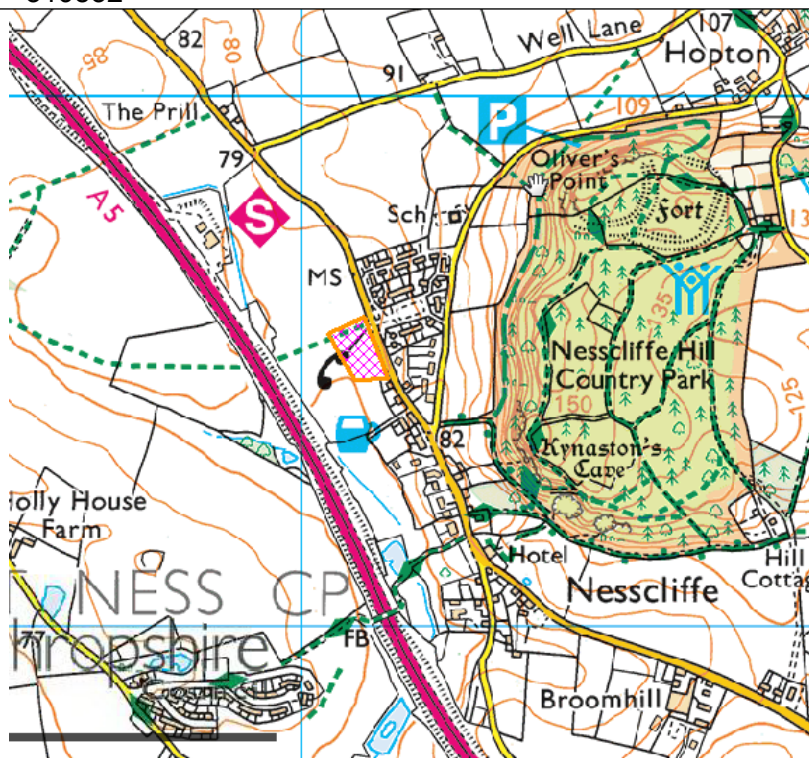
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/03413/REM	Parish: Great Ness
Proposal: Reserved Matters pursuant to Outline planning application 13/04757/OUT (landscaping, scale, appearance and layout) for residential development of 30 dwellings	
Site Address: Proposed Residential Development Opposite The Crescent Nesscliffe Shrewsbury Shropshire	
Applicant: Shrewsbury Homes	
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk

Grid Ref: 338127 - 319532



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks reserved matters consent for the matters of appearance, landscaping, layout, scale and access relating to the previously permitted outline planning consent reference 13/04757/OUT. The outline consent granted outline planning permission for the residential development of the site and associated works, including details of access to the site. This site is an allocated housing site identified in SAMDev with a guideline of 15 dwellings.
- 1.2 This application has been subject to amendments as part of the application process and the latest plans submitted show a total of 24 dwellings proposed, a mixture of detached, semi detached and terraced housing ranging from 2 bedroom to 4 bedrooms. Areas of public open space are shown to be provided within the development split over three areas, with the largest open area set at the front of the site parallel with Holyhead Road. The access into the site has been amended slightly to that previously agreed on the outline consent, but is still retained in the northern corner of the site, onto Holyhead Road.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located at the northern end of the settlement of Nesscliffe and currently is within agricultural use. The development will be accessed off the A5210, Holyhead Road which runs to the east of the site with Right of Way route code 0419/11/2 running across the site in an east-west direction linking residential properties in The Crescent to the A5 highway. The site shares a 20 metre section of its southern boundary with the domestic curtilage of Grove Cottage, the only immediately adjacent existing property to the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has raised objections to this application on planning grounds. As such the scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the Area Planning Manager and Chairs of the Central Planning Committee have discussed the application and planning considerations and have agreed that the application should be determined by the Central Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments **SC Suds – No objection**

The latest surface water drainage details and calculations are acceptable.

SC Parks and Recreation – Comments

Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom.

The proposed development should therefore provide a minimum 2370sqm of usable public open space as part of the site design.

For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision. In a development such as this the village green layout would be preferred with housing facing a central open space.

The current design shows 3 areas of POS which should be amalgamated to meet the above policy requirement.

Any access to public open space will need to over routes available to the public and not over private driveways as put forward in this application, footpath links to this open space need to allow access from all parts of the development.

SC Ecology – No objections

SC Ecology welcomes the additional hedge planting around the sites perimeter. Where it is intended to create semi-natural habitats, all species used in the planting proposal should be locally native species of local provenance. SC Ecology would recommend that the species selected for the landscaped areas are modified to take this advice into account.

SC Highways – No objection

Final comments to follow.

SC Conservation – Comments

Refer you to our earlier comments provided on this Reserved Matters application. Note that the number of dwellings has been reduced more in line with the number of dwellings/lots illustrated in the indicative plan submitted at the Outline stage; there does however still appear to be a higher degree of built area compared with the Outline plan and this may be related to the size of some of the dwellings proposed. A street scene plan has been provided and comment that in terms of at

least the four buildings with side or front elevations facing the main highway, more detailing to reflect the details inherent in the existing dwellings in the area should be added, for example chimneys on each of these dwellings to add variation to the rooflines. Should this revised plan be approved, conditions regarding further details on external materials and finishes and site enclosures and boundaries should be added so that these more detailed elements of the proposal can be agreed.

SC Landscape – No objections

SC Affordable Housing – Comments

The plan shows plots 10, 11 and 12 as the affordable units, a scheme of 24 units will also need to provide a financial contribution. Assume that the tenure will be 2 for affordable rent and 1 shared ownership and will be transferred to a Housing Association.

SC Public Protection (Specialist) – No objections

Due to distances from the railway line do not consider any noise assessment is necessary. Therefore have no objection to the proposed development.

SC Rights of Way – comments

The public right of way Great Ness Footpath 11 is directly affected by the proposal, as acknowledged by the applicant. Please see the attached plan. It is noted that 3.7 of the Planning, Design & Access Statement refers to an application being made to divert the footpath to follow the estate road. Not received such an application to date. However, an application is required to legally divert the footpath under the provisions of the TCPA 1990 and would urge the applicant to contact the Mapping & Enforcement Team at the earliest opportunity (fees apply).

It is also a little disappointing to see that the proposed line of the diversion shown on the Site Plan follows the estate road, rather than across any public open space. If the diversion route was to run through open space or along a grass/natural surface, it would retain far more of its present and historic characteristics (the route has always been unenclosed and run across agricultural fields), rather than the proposed tarmac footway adjacent to the proposed estate road.

It is also noted that where Footpath 11 enters the development site between plots 29 and 30, it is proposed to be enclosed by fencing, to a width of around 1.25m. This width is unacceptable. Narrow, enclosed routes can contribute towards anti-social behaviour; therefore, the minimum width required by this team when public footpaths become enclosed is 2m.

Also request that the applicant considers using 1.2m high timber post and rail fencing along the length of the enclosed section of path, rather than the part 1.8

high closed board fencing. Again, to prevent the route becoming a narrow, enclosed corridor.

Finally, whilst works take place the developers must also be aware of the following:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to maintain public access along the footpath at all times whilst building works take place, the applicant should apply to the Mapping and Enforcement Team for a temporary closure of the footpath (fees apply).

Great Ness and Little Ness Parish Council – Objection

Date comment received: 10.05.2017

Great Ness and Little Ness Parish Council discussed this application at their meeting last night and object to this application on the grounds that it is not within our Parish Plan and Housing Survey and their previous objections remain the same.

Date comment received: 09.02.2017

The Great Ness and Little Ness Parish Council wish to reiterate its objection to the amended proposal, dated 24 January 2017.

The reasons for this continued objections are as follows:

1. The developer has amended the development site position; clearly it is different from the development site approved at outline planning permission.
2. The complete disregard to accept the direction from the Planning Officer, the objections of Parish Council and the community and the guidance from SAMDEV that a maximum of 15 properties is the acceptable maximum for this preferred site. The intransigence of the agent/developer/landowner is disappointing in the extreme.

3. The insistence of including 6 four bedroom properties again flies in the face SAMDEV guidance.
4. The failure to accept the guidance of the consultant on the minimum requirement for public open space. The introduction of 2 'postage size' public area, one of which shares the space with a pumping station is disappointing to say the least.
5. The failure to provide the 'promised' road crossing.
6. The amended block diagram offers a starkly difference picture of an acceptable layout as illustrated by existing Crescent and the proposed layout across the road. The proposed layout in extremely cramped and typically urban where land is at a premium.
7. The reluctance to reposition the access to the development site, away from the Crescent access road, thus reducing the potential for accidents.

Date comment received: 08.09.2016

Please ignore previous comments as there is a small amendment to number 1.

The Parish Council wishes to object to this application for the following reasons:

1. The decision of the Planning Officer to request that the applicant complies with SAMDEV S16.2(IV): (Nesscliffe), is fully supported. However SAMDEV also required developments in Nesscliffe to be confined to a maximum of 10 houses, predominantly 2/3 bedroom properties. The Planning Officer will be aware that the figure of 15 properties is the total number for the period up to 2026, it would not be unreasonable for development to be staged, such that SAMDEV is complied with. The Planning Officer is asked to request the applicant to comply with this aspect of SAMDEV guidance.
2. There was an intention for the developer to provide a pedestrian crossing, there is no evidence that this promise will be kept.
3. The promised pedestrian entrance is not evident in the application.
4. There is no provision for access to the sewage system.
5. The proposed development has not made use of the available space, the development is far too cramped.
6. The applicant has not met the requirement of the NPPF, para 66, that requires applicants to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

4.2 - Public Comments

5 objections received to the application summarised as follows:

Principle of development:

No assessment has been carried out to ensure existing services and infrastructure are capable of accepting the increased in population and no opportunity for the community to comment; however such relaxation does conflict with SAMDev

policies in particular MD3: the policy explains that whilst the SAMDev guideline is a guideline figure not a maximum, development exceeding by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill; clearly the planning department have seen the doubling of the guideline figure as not acceptable; a head count shows that this application would take the total to 37, with outline planning for other sites in the settlement, potentially brings the total to 102; the importance of including the cumulative impact of a number of developments is an important consideration; the planning department is asked to take particular note of para iv in extract below, from MD3; MD3 also requires new developments to be in keeping with the local character and the proposal falls well short of this requirement on a number of accounts:

- a. The urban 'squeeze' is both out of character and totally unnecessary in light of the available land for development; Highways and the Conservation Officer have also provided unsolicited comments on the inappropriateness of this proposal, in terms of design and layout.
- b. The reluctance to provide the same level of open space enjoyed by neighbouring properties.
- c. The failure to meet the SAMDev plan requirement for 'predominantly' 2/3 bedroom properties.

The SAMDev plan is intended to be the primary document to ensure compliance with current planning policy.

Our parish plan is very clear that there is a local need for 2 and 3 bedroomed houses with many 4 beds already built in the parish there is no requirement for additional 4 beds; this application should be reduced to 15 houses, in line with SAMDev and the type and number of 2 bedroom houses increased whilst reducing the 4 bedroomed ones.

Layout

The current layout is different to that in the outline and gives a feel of urbanisation due to the doubling of house numbers; there is no need to have terrace style houses; The promised play area is not included; the site was put forward for 15 houses so clearly this was considered acceptable space needed for 15 dwellings. It doesn't take a genius to realise that building 24 houses in the same space will create a cramped and 'urbanised' development which is totally out of character of the village; the layout should mirror that of the Crescent opposite and have dwellings facing a central open space.

The houses at the South East corner of the site will overlook the adjacent neighbouring property.

Design

No effort has been made to include environmentally friendly elements to the houses such as electric points for charging the cars. CS6 states the need to reduce car based travel this application does not do this. Every other bus from Shrewsbury to Oswestry now comes through Nesscliffe so it is not a reliable service for anyone relying on it for work or college. There is no bus service to either of the local

doctors.

Access

The access is directly opposite the Crescent entrance and since the majority of cars will turn right out of the development this is far from ideal.

5.0 THE MAIN ISSUES

Principle of development

Layout, scale and appearance

Landscaping

Access

Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The principle of residential development of the site has been accepted with the grant of outline planning permission ref 13/04757/OUT. Furthermore the site is allocated for housing development in the now adopted Shropshire Site Allocation and Management of Development (SAMDev) Plan to provide new housing within the proposed Community Hub of Nesscliffe. The proposed site is suggested in the SAMDev to be for approximately 15 houses, with a guideline of 30 houses for the whole settlement. The current reserved matters application seeks consent for housing on the whole of the site previously granted outline approval, for a total of 24 houses (reduced from 30 no. during negotiations carried out by officers during this application). The matters for consideration in this reserved matters application are solely those relating to the layout, scale, appearance, and landscaping. Details of the proposed drainage of the site have also been submitted for consideration as part of the proposals.
- 6.1.2 With regard to affordable housing the current reserved matters application includes 3 affordable dwellings in one group located towards the centre of the site. The current prevailing target for affordable housing in Nesscliffe would be for 15% of the development to be affordable. As such 3 dwellings on site results in a small under provision which can be made up through a financial contribution and this was secured within the S106 agreement attached to the outline planning consent. The agents for the application have confirmed which plots on site the affordable units are intended to be and they are centrally positioned within the site. As such the proposed development, in terms of affordable housing, is considered to meet the requirements of the adopted policy.
- 6.1.3 It is noted that **Great Ness & Little Ness Parish Council have objected** to the application on several grounds including that the proposal exceeds the housing guideline for Nesscliffe and the sites allocation in SAMDev; that they consider only 2/3 bedroom properties should ne allowed; that the development shall impact on

the public right of way that passes through the site; concerns regarding highway safety from the proposed access opposite The Crescent and insufficient open space is proposed on site. The principle of development of the site has already been established and agreed as set out in the paragraphs above due to the granting of the earlier outline. The other issues of layout, scale, appearance and design are discussed later on in this report.

6.2 Layout, scale and appearance

6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. This is reflected in Core Strategy policy CS6 and SAMDev policy MD2 which seek to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2.2 Layout and Scale –

The submitted layout shows the access road to serve the properties entering the site at its northern corner with the access road forming roughly an E shape within the site with houses set to each side of the access road. Three of the dwellings set closest to Holyhead Road (plots 1, 7, and 14) have been orientated so that the front elevations face east across the proposed open space and also towards the Holyhead Road in order to help to form a visual connection with the village. The total number of houses proposed is 24 having been reduced from 30 houses during negotiations carried out as part of this application.

6.2.3 Whilst the 24 houses now proposed are still greater in number than the guide figure of 15 houses referred to in the SAMDev allocation, officers are satisfied that the proposed layout allows for sufficient amenity space and off road parking for each dwelling. This number of units is greater than the 10 dwellings per site requirement of the Parish Council, but this is the allocated housing site for the village and it was always intended to accommodate more than 10 houses.

6.2.4 The majority of houses proposed would provide 2 or 3 bedroom accommodation (16no. 2 bedroom houses and 13no. 3 bedroom houses) in a mix of terraced, semi detached and detached houses with just 5 detached houses having 4 bedrooms. Officers consider that this contributes greatly to the Parish Council wish for new housing developments to consist of predominantly 2 or 3 bedroom accommodation.

6.2.5 Other than those residential properties set to the east of Holyhead Road, there is only one immediate neighbouring residential property to the site, Grove Cottage, whose garden meets with this sites southern boundary. In the proposed layout, the rear gardens of plots 15 and 16 extend up to the boundary of Grove Cottage. It is noted that the gardens to these plots are approximately 8 metres in length and would face towards the side garden area of Grove Cottage, at a distance of approximately 17 metres between dwellings. It is considered that these distances are acceptable and would not result in any significant detrimental impact on the

neighbours through loss of privacy or light to either the windows in the side and rear of Grove Cottage nor to any private amenity space located to the immediate rear of the cottage.

6.2.6 Open space is shown to be provided across 3 separate areas across the site, with the largest, main area set centrally alongside the houses and the site's eastern boundary, next to Holyhead Road. The other two areas are much smaller, one providing a green buffer to a pumping station that is required at the southern end of the site, the third allowing for the public right of way to enter and cross the north western corner of the site. The amount of open space proposed falls slightly short of the 2130sqm required at approximately 1898sqm, but whilst this is considered to be a slight under provision and it is understood that the applicants intend to address this with an over provision of open space on the adjacent housing site to the north, that is currently subject to a separate reserved matters application (117/01576/REM).

6.2.6 **Appearance –**

The mix of terraced, semi-detached and detached dwellings proposed are of a modern design with two storeys of red stock & red multi stock colour brickwork with smooth grey and old English dark red roof tiles and some with chimney details. It is considered that the design and materials chosen are acceptable.

6.3 **Landscaping-**

6.3.1 Landscaping is shown on the submitted site layout plan and consists of mainly grassed areas for the open spaces provided with tree and hedge planting at various points around the site. It is considered that the proposed planting scheme is satisfactory and will complement the existing hedgerows that mark the front (eastern) site boundary.

6.4 **Access**

6.4.1 Details of the access have been included with this reserved matters application in order that the proposed position of the access can be amended slightly so that the access is set approximately 7.5 metres closer to the site's northern most corner. SC Highways Officers have confirmed that they do not object to the final scheme as proposed and will provide details of final any comments/recommended conditions prior to the committee date.

6.4.2 The proposed layout scheme shows a pedestrian refuge style crossing across Holyhead Road. The Parish Council have voiced their support for the provision of this facility to aid people to cross the road at this end of the village. Whilst this was not secured at the time of granting of the outline consent, officers consider that this pedestrian crossing will be of value to the development. This could be secured by a planning condition with the pedestrian refuge to be provided as part of the access works to the site.

6.5 **Other matters**

Drainage – Details of a proposed surface water drainage system has been submitted and SC Suds Officers have confirmed that this is satisfactory.

6.4.2 Public Right of Way - The public right of way Great Ness Footpath 11 is directly affected by the proposal and an application will need to be made separate to this planning application in order to divert the footpath to follow the estate road. Whilst the SC Rights of Way Team would prefer the amended footpath to run through open space rather than follow the line of the access/estate road, officers note that the amended plans do allow for part of the revised footpath to run across a small area of open space as it enters the western side of the site, before joining the estate road and pavement.

7.0 CONCLUSION

7.1 The principle for residential development has been agreed. The Appearance, scale, Landscaping, Layout and access to the proposed development are considered to conserve and enhance the natural and built environment of this location and is appropriate in density, pattern and design taking into account the sites location within Nesscliffe. Accordingly it is considered that proposal is in compliance with the development plan and can be made acceptable by the attachment of conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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.
- ② 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:
NPPF

Core Strategy and Saved Policies:

CS4: Community and Community Clusters

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks

MD2: Sustainable Development

MD3: Delivery of Housing Development

MD7a: Managing Housing Development in the Countryside

RELEVANT PLANNING HISTORY:

13/04757/OUT Application for Outline Planning Permission (access for approval) for residential development and associated works GRANT 15th February 2016

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning file 16/03413/REM
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Ed Potter
Appendices APPENDIX 1 - Conditions

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

1. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

2. All hard and soft landscape works shall be carried out in accordance with the approved plan SA2238/02RevC. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. 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 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.
3. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.
 - a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.
 - b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail 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.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

4. No construction (and/or demolition) works shall take place before 07:00 on weekdays and 08:00 on Saturdays nor after 18:00 on weekdays and 13:00 on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

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

5. No burning shall take place on site including during clearance of the site.

Reason: To protect the amenity of the area and protect the health and wellbeing of local residents.

Informatives

1. This planning permission notice must be read in conjunction with the outline notice reference 13/04757/OUT granted 15.02.2016 where additional conditions are attached.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990 that is attached to the outline planning consent reference 13/04757/OUT .
3. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be

undertaken and what types of names and numbers are considered acceptable to the authority.

4. Whilst works take place developers must be aware of the following:
 - The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
 - Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
 - Building materials, debris, etc must not be stored or deposited on the right of way.
 - There must be no reduction of the width of the right of way.
 - The alignment of the right of way must not be altered.
 - The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
 - No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to maintain public access along the footpath at all times whilst building works take place, the applicant should apply to the Mapping and Enforcement Team for a temporary closure of the footpath (fees apply).

5. If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND,
No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into
<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>



<u>Committee and date</u>
Central Planning Committee
27 July 2017

<u>Item</u>
9
Public

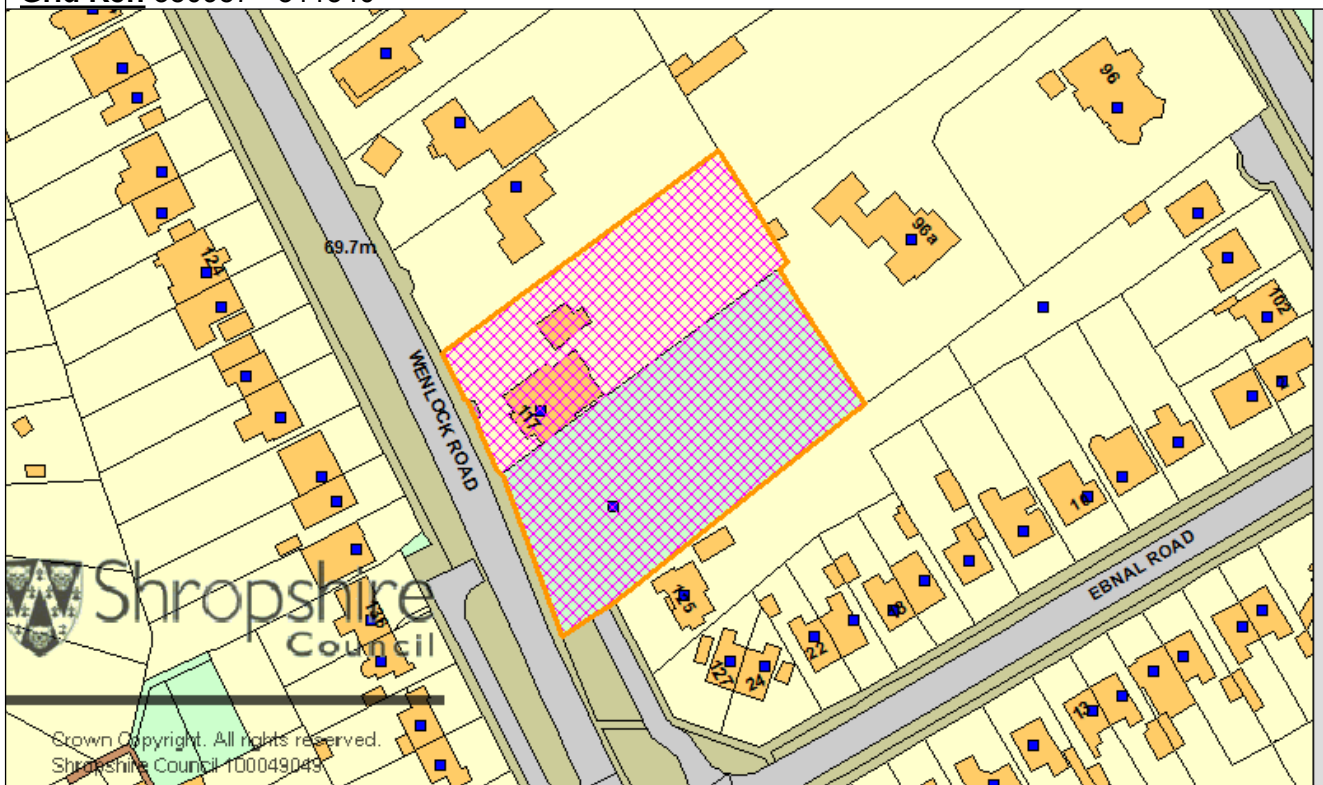
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/04590/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of 32 retirement living apartments including communal facilities, landscaping and car parking; formation of vehicular access following demolition of existing property (amended description)		
Site Address: Land At 117/125 Wenlock Road Shrewsbury Shropshire		
Applicant: McCarthy & Stone Retirement Lifestyles Ltd		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 350957 - 311340



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Recommendation: That members resolve to approve the application but give officers delegated authority to agree the amount of Affordable Housing Contribution (AHC) and issue the decision notice subject to a S106 to secure the agreed AHC and a financial highways contribution of £7,500.00 for the purposes of introducing any appropriate waiting restrictions or Traffic Regulation Orders on Wenlock Road, or any adjacent streets, should any overspill car parking take place.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of 32 retirement living apartments including communal facilities, vehicular access, landscaping, car parking and mobility scooter parking following demolition of existing building.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site comprises the house and garden of 117 Wenlock Road and the vacant field/paddock adjacent to 117 which is proposed to be demolished.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the Area Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Conservation (comments following receipt of amended plans):

Background

We had previously noted at the formal planning application stage that the proposal would need to demonstrate that a development would be of a required standard to justify the loss of 117 Wenlock Road, deemed to be a non-designated heritage asset. A heritage assessment was subsequently submitted and revised plans prepared.

Assessment

The main dwelling currently on the site, albeit not present at the time of the first edition OS mapping, is felt to be representative of the period of early 20th century development on the site and in the vicinity, and has a strong connection with the large Edwardian property known as Woodville, which faces London Road. The boundary walls and garden features are believed to be contemporary with the building of Woodville, and should be protected and restored as part of the scheme. Whilst it is believed that the dwelling itself is worthy of recording prior to any

demolition, it has been extended significantly and its historic form has been largely subsumed by modern extensions.

It has been emphasised that the design of the development should minimize any harmful impact on the character and appearance of the area and the street scene in particular, making a positive contribution to ensure compliance with policies on design and the protection of the historic environment.

The amendments to the plans in terms of scale, design, stepping back the footprint of the central atrium, and varying gables and chimneys to enhance traditional design and detailing, generally reflect the context and local vernacular of the area. In order to further enhance this, the scheme will be expected to deliver a high standard of construction, which should be addressed through a series of conditions ensuring the selection of materials and finishes are appropriate to its context. With regard to this, there are some refinements and clarifications on materials and finishes, which would be welcomed; these are largely in terms of the surface finish, detail and materials of rainwater goods to the linking blocks, and window details including materials and depth of reveals to these elements – these should be the subject of pre-commencement conditions as detailed below and not on the basis of current plans.

Recommendation:

Generally no objection on conservation or design grounds as on balance the scheme is considered to accord with the relevant policies, guidance and legislation noted above, subject to the inclusion of the following conditions: CC1 (External Materials), JJ20 (Joinery – with revised Reasons), pre demolition recording of the main house and retention of any garden features, plus conditions to agree hard and soft surfaces for the driveway access, parking and amenity areas, as well as any boundary walling or enclosure features.

4.1.2 **SC Highways** (final comments on proposal as amended):

Recommendation

No Objection - Subject to the development being carried out in accordance with the approved details and the following conditions/informatives

Observations/Comments:

It is considered that the currently submitted details supporting the revised development proposals have been robustly presented and justified. However, given the site location, 'retirement living' occupancy type and the precedent set by the similar McCarthy & Stone development on Copthorne Road, Shrewsbury. An absolute minimum allocation of one parking space per apartment should be provided to support this development proposal.

In the circumstances, if a minimum of 32 car parking spaces can be incorporated within the application site, then it is considered that this development could be acceptable from a highway & transport perspective.

Notwithstanding the above, should the developer choose not to improve the car parking ratio within the site, it is recommended that the Developer enters into a Section 106 Agreement with the Council. For the purposes of securing a financial contribution of £7,500.00, to be held for 5 years following the full occupation of the development. This contribution could then be used, by the Council, for the purposes of introducing any appropriate waiting restrictions or Traffic Regulation Orders, on Wenlock Road (or any adjacent streets), should any overspill car parking take place, associated with the development, which is considered to be contrary to the interests of highway safety.

Would also support an appropriately worded condition that restricts the age of the occupants, this will seek to reduce the level of car ownership and associated demand on parking. Mouchel have recommended that a condition is placed upon any permission granted that requires details of access to be submitted, and would welcome this condition as the details of the current access do not show the visibility splays and swept paths.

On receipt of additional information confirmed that the proposed layout of the access is sufficient to accommodate two-way car movements, as requested. However, the details presented in the applicant's email dated 24th May 2017, does not provide all the detail required to discharge the recommended conditions (i.e. no construction specification or visibility splays shown.)

- 4.1.3 **SC Waste Management:** It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

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

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <http://new.shropshire.gov.uk/media/2280/shropshireplusrefuse-and-recycling-planning-guidanceplusseptemberplus2015plusversionplusa.pdf>

We would prefer to see vehicle tracking of the refuse vehicle to ensure the vehicle can manoeuvre the roads of the development. Collection crews would need a code or fob to access the site as it is gated.

With regards to refuse vehicles Highways have confirmed that normal waste collection arrangements for existing residents along Wenlock Road is currently undertaken at kerbside, so this particular operation, if it is only once a week, is probably going to be acceptable.

- 4.1.4 **SC Trees:** Recommends a condition in order to protect the retained trees on site and adjacent important amenity trees.

4.1.5 SC Ecology:

Bats

A bat survey was carried out on this site between July and August 2016 by Environmental Services.

During an initial inspection, approximately 50 pipistrelle droppings 'were discovered in the loft space of the original structure', 'scattered below the central beam of the original building and at each gable end. The droppings were old suggesting the loft space has not been used by bats in 2016, and given the number found was used by a single or small number of individuals.'

A re-entry survey was carried out on 13th July and emergence surveys were carried out on 11th August and 22nd August. Static detectors were also used.

A 'possible emergence' was recorded during the first emergence survey 'from the Northwest facing elevation. As a result, the loft space was checked for a second time and an additional surveyor added to the third survey effort in order to specifically watch this area. No fresh droppings were discovered and no bat emergence was identified from the building. Therefore the 'possible' emergence is highly likely to have been a bat flying over the building foraging between the gardens and the vacant plot of land.'

Common pipistrelles were recorded foraging around 'the main property and over the vacant plot of land' during the surveys. No roosting behaviour was identified.

Bats do not appear to be currently using the building but 'the loft space was likely used by a single or small number of Pipistrellus sp. during summer 2015'. Therefore, the works will need to take place under a European Protected Species licence from Natural England.

Environmental Services have produced a Soft Strip Method Statement (December 2016) which sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- 3 Schwegler bat boxes will be erected on a suitable mature tree on the site.
- Works will take place under the supervision of a licensed bat ecologist.
- The roof should be removed between December and March.
- Toolbox talks will be provided.
- A pre-commencement inspection will be carried out.
- Areas of the roof with potential roosting features will be soft stripped by hand.
- 'Once these parts of the roofs are stripped, the open loft areas will be left open to the elements overnight to let any bats present (if any) to disperse naturally. Once the soak period has passed a further inspection will take place and the complete demolition of the building can proceed immediately after this inspection.'
- Should a bat be discovered, it will be relocated by the licensed bat worker.
- 4 bat tubes will be 'installed in to the fabric of the [new] building in groups of two.'
- 'All external lighting during construction to be angled downwards and away

from any bat sensitive areas.’

- ‘All new lighting within areas of the gardens and on external walls to be kept as low as possible and on short PIR timers.’

A European Protected Species 3 tests matrix is provided and the planning officer needs to complete sections 1 and 2, ‘over riding public interest’ and ‘no satisfactory alternative.’ The EPS 3 tests matrix must be included in the planning officer’s report for the planning application and discussed/minuted at any committee at which the application is considered.

RammSanderson Ecology Ltd was commissioned to undertake a single nocturnal survey of this site to update the previous survey work. One bat survey was conducted following the negative result of roosting bats during the 2016 nocturnal surveys. RammSanderson Ecology has concluded that the roosting features identified are not currently in use.

SC Ecology considers that the existing bat roost cannot legitimately be regarded as no longer legally protected.

Natural England require a period of monitoring for a bat roost prior to its ‘de-designation’. If it can be demonstrated that a former bat roost had not been occupied by bats for a period of five years or more, it might no longer constitute as a bat roost and therefore no longer fall under the legal protection of the Habitats Regulations, but to my knowledge, this timeframe has not yet been tested in Court, so one ought to be cautious.

Natural England advises on a timeframe of ‘after a number of years’. A sufficient level of survey work would be needed to demonstrate long-term absence of bats. When applying for an EPS licence, it is often the case that an estimate of the number of bats using the roost during a typical calendar year is not known accurately, but the total(s) applied for must be strongly indicative and supported evidentially. The status of the roost is equally important. This evidence can be based on counts of bat droppings, their age, distribution, setting; looking at the potential bat features within a structure and all with the bat’s ecology – typical sizes of roosts etc. all taken into account.

The Bat Survey Guidelines state (the main information relevant here is in Chapter 7):

Section 7.2.8 states:

Dusk and dawn surveys should be repeated until the information outlined in sect 5.1 is reliably collected, although appropriate methods and equipment should be used to minimise the number of survey visits required and effort should always be proportionate to impact. If presence has been confirmed by droppings found during a preliminary roost assessment but bats have not been detected during roost characterisation surveys, it may be necessary to carry out further surveys at alternative times of year.

Based on the points above the comments made by SC Ecology from Sophie

Milburn, dated 30.01.2017, are still relevant to this planning application. As bats tend to re-use the same roost after periods of vacancy, legally a roost is protected whether a bat is present at that time or not. Due to the evidence of bat droppings Shropshire Council will complete the 'three tests'. The 'three tests' must be satisfied in all cases where a European Protected Species may be affected and where derogation under Article 16 of the EC Habitats Directive 1992 would be required – i.e. an EPS licence to allow an activity which would otherwise be unlawful. Shropshire Council's role is to consider if an offence under the Habitats Regulations is likely, and if so, would a licence be obtainable from Natural England, by considering the 'three tests'. Failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

If work is carried out which affects bats or roosts without a license the law will be broken. The applicant should be aware that an offence is punishable by up to a £5000 fine per individual animal impacted and potentially up to 6 months in prison.

Birds

Environmental Services do not record whether any evidence of birds was found on or in the building.

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

Bird boxes should be erected on the site to enhance the nesting opportunities available for birds.

Other species

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.

The landscaping scheme should ideally contain more native species of local provenance and species of particular value to wildlife.

4.1.6 **SC Drainage:** The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

4.1.7 **SC Affordable Homes:** Awaiting final view on the viability assessment and agreement on the amount of financial affordable housing contribution.

4.2 - Public Comments

- 4.2.1 **Shrewsbury TC:** Objects: Initially concerned that the parking provision is inadequate for the number of residential units and disliked the massing of the building and considered that the demolition of 117 Wenlock Road would be a significant loss to the area. On receipt of the amended plans welcomed the amendments which have addressed the concerns regarding the level of massing. Members however do have a retained concern about the number of parking places and given that the local area has minimal on-street parking on this busy gateway into the town they would welcome a 1:1 ratio regarding car-parking.
- 4.2.2 **West Mercia Constabulary:** Provides advice on crime prevention through the environmental design advice within 'Secured By Design' to explore opportunities to design out crime and /or the fear of crime and to promote community safety.
- 4.2.3 31 letters of objection have been received and 12 letters of support to the scheme as first submitted and as amended summarised as follows (comments are available to view in full on the public file):
- 4.2.4 Support:
- The proposal is well designed and attractive and would suit the street scene.
 - Although the proposal is wide, 113 and 115 are almost joined at their shared boundary and together offer quite a wide frontage which people are already accustomed to seeing.
 - The height will be similar to 125 and less than the front portion of the Tower House.
 - It will add to the wide variety of building ages and styles between Armoury Gardens and Ebnal Road.
 - The development seems to be generally in keeping with and will blend in well with surrounding properties.
 - No. 117 is a fine house but would not be missed if it were to go.
 - The site has been an eyesore for too long and looking forward to this well needed development in an excellent location.
 - The development would eradicate the Japanese Knotweed which should be welcomed and M & S have experience in dealing with brownfield sites such as this and can be depended on to clean up this land.
 - It is relatively high density compared to the alternative approved four houses but it would mean less disturbance to the occupiers of nearby properties.
 - Retired people have simpler more 'low key' lives than families. Four 4-bed

houses could have up to a dozen children squealing and shouting in gardens, birthday parties, barbeques and barking dogs etc.

- Wenlock Road could easily accommodate the extra traffic and it's not a commercial development. Apart from a short period in the mornings and evenings the traffic density is not an issue.
- The alternative 4 houses would do nothing for affordable housing.
- Both central and local government are under huge pressure to increase housing supply but in particular for couples and those living alone.
- Provision of suitable housing for the older age group is limited in this part of Shrewsbury but figures show that this ward has a high number of residents over 65 years.
- There are enough 4 bedroom homes in this location.
- Having family in Shrewsbury and now living alone one of these apartments would be ideal and it will be a good area to retire to.
- Have lived in the area for over 30 years and want to stay but until now there has been nothing suitable to down size to.
- These apartments will free up family homes.
- This development is in an ideal residential location with a frequent bus service.
- There are local shops for essentials and two mini supermarkets only a few hundred yards away. The local shops including the butchers at Mereside would benefit from the extra business.
- St Giles Parish Church, and Parish Hall, Mereside Community Centre, Doctors surgery and chemist, dental practice, the facilities at SCAT (Hairdressers and restaurant) and local pubs are all nearby.
- This development with its communal areas will facilitate mutual support for the residents and alleviate isolation and loneliness which so often lead to the need for hospitalisation.
- The grouping of people of similar disposition can help make nursing care and the distribution of medication more efficient and cost effective.

4.2.5 Object:

- Residents have obtained 107 signatures from the local residents opposing the scheme, including those living on Wenlock Road, Armoury Gardens, Ebnal Road and London Road.
- The site is constrained and cannot accommodate over 30 dwellings and does not provide sufficient parking or the ability to deal with surface water without flooding nearby gardens.
- Little mention of any rainwater or 'grey' water recycling other than a few rainwater butts. The size of the proposal must lead to an increase in the volumes of water required and sewage generated. Recycling rainwater and grey water would reduce any increasing demand for water and help reduce run off.
- The dwelling to be demolished is one of the original dwellings on this highway route into town and should not be demolished and would result in demonstrable harm to the amenity of the area.
- Demolition of 117 Wenlock Road that contributes to the distinctiveness of the locality would be in conflict with LDF strategic objective 7 and the large replacement building does not 'respond to the local context.
- It is ironic that the trees and hedge should be preserved but a house allowed to be demolished.
- Reduction in the height of the hedge reduces nesting opportunities for the local small bird communities.
- The nature and form of development should match the surrounding development and three storey development is unacceptable.
- The development is over intensive and three storey development would be incongruous to the street scene.
- The apartment building is totally out of character with the mainly detached and semi-detached nature of development in the area.
- The proposed building is too high - overlooking neighbouring gardens resulting in a lack of privacy issues for residents.
- It might also appear intrusive and result in a loss of light.
- Whilst an attempt has been made to reduce the scale of the building it will still be massive with a large car park to the front and would be more appropriate on an industrial estate. It is till incongruent and not in keeping with the area.
- The front elevation has basically remained the same with a few aesthetic

tweaks and adding a few chimneys to an already large building does not make it more sympathetic to its surroundings.

- The new glass connecting corridors and black timber facade do not “reflect the local character of the street scene”.
- This development is not two and a half storeys it is a three storey block of flats not three ‘pavillions’ or ‘villas’.
- The revised plan still represents a physical overdevelopment of the site when compared to other properties along Wenlock Road which present a varied and attractive range of private homes.
- Over 30 houses would result in a considerable increase in traffic movements compared to that of the four houses already approved.
- Wenlock Road is already busy and the impact of the development has to be considered on both the access onto the highway and the wider road network and junctions.
- There will be thousands of additional traffic movements due to the development on Oteley Road and Emstrey Business park causing more potential for highway danger and this proposal should be viewed in the context of that.
- Shropshire Council must accept that there is a highway safety issue due to the road closure and highway improvements including pedestrian crossings in recent years.
- The development will generate at least 90 traffic movements a day and this will be dangerous close to a complicated road junction and a pedestrian crossing.
- Insufficient parking is provided. Although the apartments are aimed at the over 55 age group there is nothing in planning law or land law to stop anyone buying and occupying one of the apartments from owning one or two cars.
- Developers anticipate the average age of occupants to be around 79 years which is based on previous developments. Statistics are fine as a basis for calculating
- unknowns but they are not facts and until the properties are all sold this will remain just speculation.
- The nature of occupation means that it is likely that there will be more visits from health visitors etc. and parking will be required. Residents and visitors will park on the road or on the grass and slip road opposite, causing congestion and highway dangers.

- There is no provision for disabled parking and the parking of larger vehicles such as emergency vehicles and deliveries.
- In sufficient parking on site will result in parking on Wenlock Road which will be a hazard and add to the congestion.
- There is no emergency assembly area indicated on the plans
- From experience of working in a M & S property a more accurate and true reflection of what to expect is that:
 - 1/ half of residents will have cars
 - 2/half of residents will come from outside the area (Shropshire)
 - 3/a very high turnover of residents
 - 4/ a high level of 'care ' traffic (ambulances, doctors, nurses and several types of care personnel)
- Good quality and frequently accessible public transport is not available in this area of Wenlock Road which has only a limited bus service and no service later in the evening.
- A pedestrian crossing should be installed at the Column end of Wenlock Road at the expense of the developer.
- The influx of up to 100 elderly residents will impose extra burden on: a) already overstretched doctors surgeries b) local post offices c) local bus services, which are already overcrowded.
- Shrewsbury already has an excess of elderly residents and adding more places a
- further burden on the social and healthcare services already stretched to breaking point.
- There is no provision for parking during the construction phase causing congestion and impact on highway and public safety.
- Air pollution, dust and noise pollution will be increased during construction
- The proposal could impact on bats and owls in the area and a bat survey should be undertaken. There was standing water on the site and a newt survey should be carried out.
- The Japanese Knotweed needs to be fully investigated and dealt with.
- The proposal does not represent an appropriate use of available land as required by LDF strategic objective 4.
- It does not provide for a mix of good quality, sustainable housing development of the right size, type, tenure and affordability to meet the housing needs and aspirations of all sections of the community, including

provision for specialist needs and the elderly as required by LDF objective 5.

- The prices they are marketed at are beyond the means of the vast majority of local residents in the target age range.
- The proposal fails to address the need for social housing provision and should include affordable housing and this should not be negotiable
- The development will not meet the housing needs of local elderly but is expected to attract more wealthy individuals from elsewhere, thereby reducing the availability of land and affordable properties for local residents.
- What will ensure that the apartments are only occupied by the elderly.
- Who will be responsible for the upkeep of the building and the communal areas.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale, design and appearance
Impact on residential amenity
Access and parking
Trees and Ecology
Developer contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 This proposed development for open market retirement apartments falls within Use Class C3 (Dwelling Houses). The site is considered to be in a sustainable location reasonably close to the Town Centre and other services and facilities nearby. It is situated within the urban development boundary for Shrewsbury identified within SAMDev and the provision of housing within the urban area of Shrewsbury accords with policy CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire.
- 6.1.2 CS2 identifies that the ageing population is a particular issue in Shropshire, where 28.4% of the population is expected to be over the age of 65 by 2026. There is a requirement for all types and size of housing to meet the housing need but in particular there is a need for smaller accommodation to suit the elderly. Although not providing affordable accommodation this proposal will help meet that need and also release family homes to the market.
- 6.1.3 CS11 seeks to create mixed, balanced and inclusive communities, and ensure the provision of a mix of type, size, tenure and affordability. It states that high priority should be given to the provision of housing to meet the local needs and aspirations of all households, including the elderly. CS6 requires that the design of housing should be adaptable to changing needs (including the elderly) and this is one

element of sustainable design. This proposal is designed to meet the needs of the elderly and will help to provide a shortfall in accommodation specifically for the elderly and retired.

6.2 **Siting, scale, design and appearance**

- 6.2.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. Policy CS17 and MD13 seeks to ensure that development does not have a significant adverse impact on Shropshire's environmental assets and protects and enhances the built and historic environment.
- 6.2.2 The proposal is for a three storey building to provide 32 apartments. The number of apartments and the height of the building have been reduced to that first submitted in order to reduce its overall scale and bulk. Although it is a three storey building the third floor of accommodation is in the roof and the new design has effectively broken the building up into three distinct blocks. This has resulted in a development which will front Wenlock Road and will appear as two pairs of semi-detached houses with a subservient element in between that links them together and is set back from the front elevation.
- 6.2.3 The proposal appears much more domestic in scale than previously and the detailing and proportions are now more in keeping with other buildings in the locality. The front of the building is also set slightly further back than the existing building line which will help reduce its prominence in the street. The glazed second floor corridor that is obviously not a feature of other buildings in the locality will not be flush with the edge of the two storey link but is set back and will sit on top of the roof. It will therefore not be readily seen from ground level as it is set so far back on the flat roof. It is required to provide connectivity between the three different blocks and to provide access to the communal lounge and the ground and first floors by lift.
- 6.2.4 There is a mix of public opinion regarding the acceptability of the design and appearance of the proposal and it is acknowledged that there is a strong public objection to the development. However whilst some may consider that it will not be a positive addition to the location it is officers view that the proposed scale, design and appearance of the building would have no adverse impact on the character and appearance of the locality that would justify refusal.
- 6.2.5 With regard to the dwelling to be removed it is one of many examples of early 20th century housing in the area and it is not a particularly exemplary example of this period or type of architecture. The conservation officer has also confirmed that it has been extended and its historic form has been largely subsumed by modern extensions. Furthermore the removal of the dwelling is permitted development requiring only an application for prior approval for its method of demolition and the clearing of the site. It would therefore not be justifiable to refuse this application due to the loss of this building.

6.3 Impact on residential amenity

6.3.1 SAMDev policy MD2 and Core Strategy Policy CS6 seeks to ensure that all development safeguards residential and local amenity.

6.3.2 The proposed building will be situated centrally within the site and although it is a three storey building the second floor of accommodation will be within the roof and the building will not be significantly higher than surrounding properties. The part of the building closest to any boundary is two storey and not three storey and is situated to the rear of the site and there are no first floor windows proposed for the rear North East facing elevation. A condition can be imposed to ensure that no additional windows are added. It is considered that due to the distance from the existing boundaries and the mature trees on the boundaries and within adjacent gardens, the proposal would not appear overbearing and obtrusive, would not result in a loss of light and will also not result in unacceptable levels of overlooking or a loss of privacy.

6.4 Access and parking

6.4.1 SAMDev policy MD2 requires development to be designed to provide adequate onsite car parking to ensure that cars do not overspill onto surrounding roads and therefore negatively impact on the local road network. There has been much public concern that the proposal provides insufficient parking for the number of units proposed, including lack of parking for visitors and service vehicles and that this will inevitably lead to on street parking resulting in congestion in the surrounding streets and that this combined with the additional traffic generated would have highway safety and capacity implications.

6.4.2 The proposal now indicates 29 parking spaces for 32 units. Highways have confirmed that they would prefer to see 1:1 parking provision and would not object to the proposal if this were provided. However notwithstanding this, Highways have not objected to the proposal and have suggested that if the applicant is unable to provide more parking spaces then they should enter into a Section 106 Agreement with the Council for the purposes of securing a financial contribution of £7,500 to be held for 5 years following the full occupation of the development. This contribution could then be used by the Council for the purposes of introducing any appropriate waiting restrictions or Traffic Regulation Orders on Wenlock Road (or any adjacent streets) should any overspill car parking associated with the development take place.

6.4.3 The applicant has confirmed that they are willing to enter into such agreement. However it is considered unlikely that overspill parking will take place as M & C have confirmed that the average age of home owners upon purchase is 79 and that residents often choose to give up running their own cars upon residency. One of the objectors to the proposal whose family has experience of working in a M & C development confirms that only half the residents usually have cars and that there is usually a high turnover of residents. The dwellings are designed as retirement apartments and the majority of future residents will normally be giving up driving as part of their life style choice to move into this type of accommodation. Future

occupiers will be aware that they will not be purchasing or being provided with a parking space when they buy an apartment so they would presumably not purchase such a home if they intended to retain the use of a car. As less than half the spaces will be allocated to residents it is considered that sufficient parking for visitors and service vehicles will be available.

- 6.4.4 Although contractors and cleaners will visit the site to maintain the communal area, the exterior of the building and the garden the proposal is not a care facility and there is no on site care or medical staff or restaurant facilities. The only communal facility is a home-owners lounge. It is considered that the car parking provision is adequate and that residents and any visitors will have sufficient on site parking and the proposal will not create a demand for on street parking. Although the S106 will be entered into it is unlikely that parking restrictions will be required to deter on street parking but is required in case a problem should arise. A condition will also be imposed to restrict occupancy to the over 55's. This will ensure that accommodation designed specifically for an ageing population (that have chosen this lifestyle choice to give up the responsibility of the up keep of a family home and garden and the use of a car) remains available in the future. A condition that restricts the age of the occupants will also ensure that the reduced level of car ownership and associated demand on parking is maintained.
- 6.4.5 With regards to increased traffic the provision of 32 apartments with age restricted occupancy should not result in a significant increase in the volume of traffic travelling up and down Wenlock Road. Highways have expressed no concern about the proposal having an impact on congestion or the capacity of the roads and nearby junctions to accommodate the traffic generated as a result of this proposal. In any case any vehicle movements generated are not likely to be concentrated or coincide with the existing peak traffic times as future occupiers are all likely to be retired. Highways have confirmed that the proposed layout of the access is sufficient to accommodate two-way car movements but that details of a construction specification and visibility splays for the access are still required and that the recommended condition regarding this should be imposed.

6.5 **Trees and Ecology**

- 6.5.1 A tree constraints plan and tree protection details have been submitted and this indicates that 4 trees in the centre of the site and 4 trees to the rear of the site (trees 13 – 20 inclusive on the tree protection plan) and a single tree (tree 9) in the North East corner are required to be removed. The tree officer has no objection to their removal and recommends a condition in order to protect the retained trees on the site and the adjacent important amenity trees. Although a landscape plan has been submitted a landscaping condition will also be imposed requiring full landscaping conditions to be submitted for approval as the Ecologist has recommended that it should ideally contain more native species of local provenance and species of particular value to wildlife.
- 6.5.2 The proposal involves the demolition of a building and therefore an ecological survey is required and a bat survey was undertaken in summer 2016. The initial inspection revealed pipistrelle droppings in the loft space but their age indicated that the loft space had not been used by bats in 2016. The emergence surveys of

2016 also revealed that bats did not appear to be currently using the building. A single nocturnal survey has recently been undertaken and the report concludes that the roosting feature identified is not currently in use. It is likely that the loft space was used by a single or small number of *Pipistrellus* sp. during summer 2015. Ecology have confirmed that Natural England consider that an identified roost is still protected regardless if bats have been recorded emerging/re-entering the bat roost feature and that it can not be 'de-designated' until sufficient survey information has been collected to confirm that it has not been occupied by bats for over 5 years. As 5 years has not lapsed the roost falls under the legal protection of the Habitats Regulations and therefore an EPS species licence is required for the development to proceed.

- 6.5.3 Ecology have completed the 3 tests matrix and have confirmed that the proposed development will not be detrimental to the maintenance of the population of common pipistrelles at a favourable conservation status within their natural range, provided that the recommended conditions are imposed and complied with. These conditions will ensure that the Method Statement which sets out mitigation, compensation and enhancement measures will be carried out including four bat tubes installed in to the fabric of the new building and three Schwegler bat boxes erected on mature trees on the site. As work will need to be conducted under licence from Natural England the completed EPS three tests matrix is attached as appendix 2 to this report and should be noted by members.
- 6.5.4 The recommended informative and condition regarding birds and the erection of bird boxes will enhance nesting opportunities for wild birds and a landscaping condition will ensure appropriate landscaping of the site. The development of the site will also ensure that Japanese Knotweed is eradicated from the area.

6.6 **Developer Contributions**

- 6.6.1 A viability appraisal has been submitted to determine the amount of affordable housing contribution and at the time of writing this has not yet been agreed with the housing enabling team. It is unlikely that the amount of affordable contribution would be sufficient to provide on site provision and officers request that if members are minded to approve this application (subject to a S106 to secure an affordable housing contribution) that they grant delegated authority to officers to agree the amount and issue the decision on completion of the S106. Members will be updated if an agreement is reached on the amount before the date of the committee.
- 6.6.2 The fall-back position is the retention of the existing house and the implementation of the planning permission for 4 houses on the adjacent land which does not include an affordable housing contribution. This proposal although not providing affordable housing on site will provide a financial contribution to affordable housing and will also achieve a fat higher CIL levy compared to the previously approved scheme for 4 houses.

7.0 **CONCLUSION**

- 7.1 Residential accommodation is acceptable in principle in this location and it is considered that the benefits of the scheme outweigh any perceived adverse impacts. It will provide 32 homes that will help boost housing supply whilst meeting the needs of the ageing population and releasing under-occupied family homes to the market. The proposal would not result in a significant increase in traffic and would not adversely impact on highway safety or result in significant congestion along Wenlock Road or at nearby roads and junctions. Given that over half of the residents will have made a decision to give up car ownership on purchasing one of the apartments it is considered that the parking provision is adequate. If the development results in on street parking the S106 will ensure that funds are secured to introduce any appropriate waiting restrictions or Traffic Regulation Orders on Wenlock Road and/or any adjacent streets. A S106 will also secure an affordable housing contribution with the exact amount yet to be agreed.
- 7.2 Officers consider that the proposed scale, design and appearance of the development is acceptable and would have no adverse impact on the character and appearance of the area or adversely impact on residential amenity. The building to be demolished is not considered to be a non designated heritage asset as it is one of many examples of early 20th century housing in the area. It is not a particularly exemplary example of this period or type of architecture and has been extended significantly and its historic form has been largely subsumed by modern extensions. Its removal is in any case permitted development. The proposal would also not result in the loss of any significant trees and will not be detrimental to the maintenance of the population of common pipistrelles at a favourable conservation status within their natural range subject to compliance with conditions and requiring an EPS licence from Natural England.
- 7.2.3 The proposal is therefore considered to accord with local plan policies, CS2, CS6, CS11, CS17, MD2 and MD13 and approval is recommended subject to a S106 to secure an affordable housing contribution with the agreement of the exact amount being delegated to officers.
- 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: NPPF

Core Strategy Policies: CS2, CS6, CS11 and CS17

SAMDev Policies: MD2 and MD13

RELEVANT PLANNING HISTORY:

16/03635/FUL Erection of 4 no. detached dwellings with 3 no. garage blocks GRANT 3rd
November 2016

11. Additional Information

List of Background Papers: File 16/04590/FUL
Cabinet Member (Portfolio Holder): Cllr R. Macey
Local Member : Cllr Ted Clarke, Cllr Jane Mackenzie, Cllr Tony Parsons
Appendices APPENDIX 1 – Conditions APPENDIX 2 – EPS £ Tests

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, 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:

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works
- o a construction/operative/visitor Traffic Management and HGV Routing Plan

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

4. No development shall take place (including demolition, ground works and vegetation clearance) until a Japanese Knotweed management plan has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the approved management plan.

Reason: To ensure the safe eradication of Japanese Knotweed from the site and to ensure that it does not spread

5. No development shall take place (including demolition, ground works and vegetation clearance) until either:

- a) a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted to the Local Planning Authority; or
- b) a statement from an experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

Reason: To ensure the protection of bats, which are European Protected Species.

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

6. All demolition, site clearance and development shall occur strictly in accordance with the Soft Strip Method Statement (Environmental Services, December 2016), unless an alternative Method Statement is submitted to and approved in writing by the Local Planning Authority. Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

7. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan Ian Keen Ltd drawing 9178/o2 and in accordance with BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. The protective fence 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.

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

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

9. Prior to 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

10. Prior to first occupation / use of the building, details for the provision 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 artificial nests suitable for swifts (swift bricks or boxes).
- A minimum of 2 artificial nests of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

- A minimum of 2 artificial nests of either integrated brick design or external box design, suitable for small birds (32mm hole, standard design).

The boxes shall be sited in at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of building if possible) with a clear flight path, and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

11. No above ground works shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

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

12. No above ground work shall take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

13. No above ground works shall take place until details of the measures to be taken to provide adequate access and facilities for disabled people have been submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied.

Reason: To ensure adequate facilities for the disabled, in accordance with adopted policy

14. No above ground works shall take place until a scheme of surface water drainage (including a proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility for future maintenance) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use and maintained for the lifetime of the development.

Reason: To ensure satisfactory drainage of the site and to avoid flooding and to ensure that the drainage system remains in good working order throughout its lifetime.

15. 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.

16. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery (including the glazed walkway) 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 ensure that the external appearance of the development is satisfactory.

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

17. Any gates provided to close the proposed access shall be set a minimum distance of 5.5 metres from the carriageway edge and shall be made to open inwards only.

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

18. No further windows or other openings shall be formed above ground floor level in the North East facing elevation.

Reason: To preserve the amenity and privacy of adjoining properties.

APPENDIX 2: EPS 3 Tests matrix**EUROPEAN PROTECTED SPECIES – Consideration of the three tests****Application reference number, site name and description:**

16/04590/FUL
 Land At 117/125 Wenlock Road Shrewsbury Shropshire
 Erection of 32 retirement living apartments including communal facilities,
 landscaping and car parking; formation of vehiucal access following demolition
 of existing property

Date:

30th January 2017

Officer:

Sophie Milburn
 Assistant Biodiversity Officer
 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 boost housing supply in a sustainable location providing 32 purpose built retirement homes that will meet the needs of a growing ageing population and subsequently release the supply of family homes to the market. Although not providing affordable housing on site the development will provide a financial contribution to affordable housing and will also achieve a far higher CIL levy compared to the previously approved scheme for 4 houses. The proposal will provide social and economic benefits for both present and future generations and will also provide bio-diversity enhancements of the site (including eradication of Japanese Knotweed) with no adverse environmental impacts.

Test 2:

Is there **'no satisfactory alternative'**?

The alternative is not to develop the site or alternatively not demolish the house and implement the previously approved scheme on part of the site. However this would not provide the boost to housing supply numbers in Shropshire, would not make effective use of the land and would not provide an affordable housing contribution or CIL. This would therefore not provide the social and economic benefits of the proposal and the ecological enhancements of the site including the eradication of Japanese Knotweed to be secured by conditions attached to this planning permission.

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'?

A bat survey between July and August 2016 identified a common pipistrelle roost in the building, used in 2015 by a single or small number of bats.

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

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the building is going to be demolished.

The Soft Strip Method Statement (Environmental Services, December 2016) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- 3 Schwegler bat boxes will be erected on a suitable mature tree on the site.
- Works will take place under the supervision of a licensed bat ecologist.
- The roof should be removed between December and March.
- Toolbox talks will be provided.
- A pre-commencement inspection will be carried out.
- Areas of the roof with potential roosting features will be soft stripped by hand.
- 'Once these parts of the roofs are stripped, the open loft areas will be left open to the elements overnight to let any bats present (if any) to disperse naturally. Once the soak period has passed a further inspection will take place and the complete demolition of the building can proceed immediately after this inspection.'
- Should a bat be discovered, it will be relocated by the licensed bat worker.
- 4 bat tubes will be 'installed in to the fabric of the [new] building in groups of two.'
- 'All external lighting during construction to be angled downwards and away from any bat sensitive areas.'
- 'All new lighting within areas of the gardens and on external walls to be kept as low as possible and on short PIR timers.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of common pipistrelles at a favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Jane Raymond (dated 30th January 2017) are included on the decision notice and are appropriately enforced. The conditions are:

- Working in accordance with protected species survey;
- European Protected Species Licence; and
- Lighting plan.



Committee and date

Central Planning Committee

27 July 2017

Item

10

Public

Development Management Report

Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

LPA reference	16/04859/OUT
Appeal against	Appeal Against Refusal
Appellant	Mrs Carol Yarwood
Proposal	Outline application (all matters reserved) for erection of one dwelling
Location	Land Adj. Primrose Cottage Wattlesborough Halfway House Shrewsbury
Date of application	21.10.2016
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	14.12.2016
Date of appeal	17.05.2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	16/04922/ENF
Appeal against	
Appellant	Mr Stelios Georgiou
Proposal	Breach of planning condition no. 4 of planning permission SA/81/0939/360/81. Various extensions being erected.
Location	The Village Fish Bar Main Road Pontesbury Shrewsbury
Date of application	09.05.2016
Officer recommendation	Notice Issued
Decision	Notice Issued
Date Notice Issued	23.12.2016
Date of appeal	24.01.2017
Appeal method	Written Representations
Date site visit	06.06.2017
Date of appeal decision	03.07.2017
Determination time (weeks)	
Appeal decision	DISMISSED – ENFORCEMENT NOTICE UPHELD BUT VARIED
Details	

LPA reference	16/03991/FUL
Appeal against	Appeal Against Refusal
Appellant	The Village Fish Bar
Proposal	Erection of single storey rear and side extension to provide additional store area, external servery counter, seating area to existing restaurant/takeaway, and provision of bedsit accommodation to allow the primary worker/owner to live on site
Location	Village Fish Bar School Green Pontesbury Shrewsbury
Date of application	05.09.2016
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	16.12.2016
Date of appeal	24.01.2017
Appeal method	Written Representations
Date site visit	06.06.2017
Date of appeal decision	03.07.2017
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	16/04252/DIS106
Appeal against	Appeal Against Refusal
Appellant	Mr J & Mrs P Hilditch
Proposal	Variation of Section 106 for planning application number 1/08/20543/F
Location	The Berries Gravels Bank Minsterley Shrewsbury
Date of application	20.09.2016
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	18.01.2017
Date of appeal	19.01.2017
Appeal method	Written Representations
Date site visit	05.06.2017
Date of appeal decision	22.06.2017
Determination time (weeks)	
Appeal decision	ALLOWED – COSTS ALLOWED
Details	

LPA reference	16/05410/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr Mario Nicholas
Proposal	Erection of single detached dwelling and garage; formation of vehicular access
Location	12 Honeysuckle Row Shrewsbury
Date of application	28.11.2016
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee
Date of decision	07.03.2017
Date of appeal	08.04.2017
Appeal method	Written Representations
Date site visit	11.07.2017
Date of appeal decision	14.07.2017
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

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Appeal Decisions

Site visit made on 6 June 2017

by Elizabeth Jones BSc (Hons) MCTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 July 2017

Appeal A Ref: APP/L3245/C/17/3167878

The Village Fish Bar, Main Road, Pontesbury, Shrewsbury SY5 0PR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Stelios Georgiou against an enforcement notice issued by Shropshire Council.
- The enforcement notice, numbered 16/04922/ENF, was issued on 23 December 2016.
- The breach of planning control as alleged in the notice is without planning permission the erection of a single storey rear and side extension to the Village Fish Bar on the land.
- The requirements of the notice are:
 - 5.1 Remove the single storey rear and side extension to the Village Fish Bar from the land.
 - 5.2 Remove the materials from the land resulting from compliance with 5.1.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with variation.

Appeal B Ref: APP/L3245/W/17/3167876

The Village Fish Bar, Main Road, Pontesbury, Shrewsbury SY5 0PR

- 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 Stelios Georgiou against the decision of Shropshire Council.
- The application Ref 16/03991/FUL, dated 2 September 2016, was refused by notice dated 16 December 2016.
- The development proposed is single storey rear and side extension to provide additional store area, external servery counter and seating area to existing restaurant/takeaway and to provide single bedsit accommodation to allow the primary worker/owner to live on site.

Summary Decision: The appeal is dismissed.

Appeal A on ground (a) and Appeal B (s78 appeal)

Main Issues

1. The main issues are:
 - the effect of the development on the character and appearance of the host property and the street scene;
 - the effect of the development on the living conditions of neighbouring residents having regard to noise and disturbance;

- the effect of the development on highway safety having particular regard to parking provision; and
- whether the bedsit accommodation provides satisfactory living accommodation.

Character and appearance

2. The Village Fish Bar is a hot food takeaway located within the centre of the village and surrounded by residential properties. The site has no on-site parking and there is limited on-street parking in the immediate vicinity. Although there is some variation, the majority of dwellings in the immediate area are built in local stone with tiled roofs. The Village Fish Bar comprises a single storey brick building with a tiled roof. At the time of my site visit the development although incomplete and not in use was largely constructed with timber floors, walls, roof and a retractable canvas roof over an area marked on the drawing¹ as 'external seating'. Once finished the extension would provide an additional storage area, servery, seating area and a single bedsit.
3. The development occupies the majority of the external space that surrounds the rear of the original building. The eaves height of the development is above the eaves height of the original building. Due to its size and height the development dominates the original building and fails to ensure it appears subservient to it.
4. The appellant contends that the development is well screened by the site boundary walling. Although sited towards the rear of the site behind the boundary gates and wall and beyond the open courtyard area, the development remains visible from a number of surrounding properties as well as from the street. Consequently, due to its form, size and design the development appears as an incongruous addition which harms the character and appearance of both the original building and the surrounding street scene. The external timber materials although used elsewhere in the area do not overcome this harm.
5. The appellant argues that the development is sited on an unkempt area of grass which was previously used for "bins and storage" and was unsightly. Be that as it may, for the reasons above, the development alters the character and appearance of the appeal site to a harmful degree.
6. I conclude that the development has an adverse effect on the character and appearance of the host property and the street scene. The development conflicts with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) which aim to ensure that all development protects, restores, conserves and enhances the built environment and is appropriate in scale, density, pattern and design taking into account the local context and character. These policies are broadly consistent with the National Planning Policy Framework (the Framework) insofar as they relate to good design and character.

¹ Drawing no. 012.

Living conditions

7. The property is bordered by a number of residential properties. I note comments regarding policing of the dining area by the owner and staff to avoid disturbance. I also note that the appellant does not sell alcohol and despite the hours indicated on the application form², intends to adhere to the previously approved hours of opening. However, the external seating area when completed would introduce approximately 10-15 people to an area not previously used by customers. Irrespective of whether they are new or existing customers, the seating area would enable people to sit and spend a greater length of time on the premises compared to those customers using the takeaway facility. Whilst residents living in close proximity to a takeaway premises can reasonably expect noisier conditions than in a wholly residential area, I consider that the use of the external seating area would result in a greater degree of noise and disturbance causing material harm to the living conditions of nearby occupiers.
8. I note residents' comments regarding odour, litter and the storage of waste. The appeal site is already in use as a takeaway facility. Whilst I have not been provided with detailed plans of any extraction system, I see no reason why a suitable arrangement could not be secured by the imposition of a planning condition, as suggested in principle by the Council's Public Protection Officer. In addition, I have not been provided with any substantive evidence that the external seating area is likely to generate higher levels of litter or that the current arrangements for the storage of waste are inadequate. Thus, I give these matters little weight.
9. I conclude that the proposal would result in material harm to the living conditions of nearby occupiers in terms of noise and disturbance. It would conflict with Policy CS6 of the CS and Policy MD2 of the SAMDev which seek to ensure that all development contributes to the health and wellbeing of communities including safeguarding residential and local amenity.

Highway safety

10. The Highway Authority considers that the lack of on-site parking and the limited on-street parking is likely to result in an increase in traffic standing on the highway to the detriment of the free flow and safe movement of traffic. Comments made by local residents that customer parking in the surrounding area is already problematic are noted. The appellant states that on-street parking places on the adjacent road network are always available after 1800 hours although he acknowledges that on-street parking spaces can be scarce at peak times. The provision of on-site dining would result in vehicles parking for longer periods of time rather than the transient parking normally associated with takeaways. However, having regard to its capacity I am not persuaded that the provision of the external seating area would generate significant levels of traffic such that the resultant demand for on-street parking places would have an adverse effect on highway safety. Thus, the aims of Policy CS6 of the CS which require development which is likely to generate significant levels of traffic to be located in accessible locations are not compromised. There would be no conflict with the Framework which states that development should only

² 16/03991/FUL.

be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Bedsit accommodation

11. The development incorporates bedsit accommodation consisting of a sleeping/living/kitchenette area and a shower/toilet room with the latter being shared with customers. I am informed by the appellant that this accommodation would be used by the owner during the working day as a 'rest room' and for occasional overnight stays. I accept it is not unreasonable for 'rest room' facilities to be provided for staff in order to have somewhere to go during their working hours. However, the accommodation has the potential of being lived in given the internal layout. The accommodation would not provide a suitable living environment for its occupier(s) due to its small size, shared toilet/shower facilities and lack of private outdoor garden space. Thus, there would be conflict with the aims of Policies CS6, CS11, CS18 of the CS and with one of the core planning principles of the Framework which seeks to ensure a good standard of amenity for all occupiers of land and buildings.

Other matters

12. I have taken into account concerns expressed by a number of residents and the Parish Council regarding the potential fire hazard and drainage. There is no evidence to suggest that the development would pose a greater fire risk than the existing fish bar. Also, no technical evidence has been provided to show that the development results in drainage problems. Thus, these issues do not add to my reasons for dismissing the appeals.

Conclusion

13. For the above reasons, and with regard to all other matters raised, I conclude that the appeal on ground (a) in Appeal A, and Appeal B should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Appeal A on ground (f)

14. The purpose of the notice is to remedy the breach of planning control. The requirements are not excessive to achieve that purpose.
15. I note the appellant's willingness to carry out modifications by facing the elevation to the courtyard with a more suitable material, or staining the existing timber cladding to a darker colour. In the absence of specific information, I would be unable to substitute a lesser requirement. Moreover, I have commented on the planning merits of the development when dealing with ground (a) above and the modifications as suggested by the appellant would not overcome the identified harm in any case. The appeal on ground (f) therefore fails.

Appeal A on ground (g)

16. The appellant argues that the removal of the development would necessitate the complete reorganisation of the existing shop area and has requested a period of six months to allow for the bespoke internal fittings to be made and fitted. Given that the development is incomplete and not currently in full use

and having regard to the submissions from both parties, I consider that a period of six months would represent a more reasonable length of time which would strike the appropriate balance between the legitimate interests of enforcing planning control and the interests of the appellant. To that extent, the appeal on ground (g) should succeed.

Formal Decisions

17. It is directed that the enforcement notice be varied by the deletion of the words "two months" and the substitution therefor of the words "six months" as the time for compliance in paragraph 6 of the notice.
18. Subject to this variation, I dismiss Appeal A and uphold the enforcement notice.
19. Appeal B is dismissed.

Elizabeth Jones

INSPECTOR

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Appeal Decision

Site visit made on 5 June 2017

by Harold Stephens BA MPhil DipTP MRTPI FRSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 June 2017

Appeal Ref: APP/L3245/Q/17/3169024

The Berries, Gravels Bank, Minsterley, Shrewsbury SY5 0HG

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
 - The appeal is made by Mr JR and Mrs PD Hilditch against the decision of Shropshire Council.
 - The development to which the planning obligation relates is the erection of an affordable dwelling.
 - The planning obligation, dated 20 November 2008, was made between South Shropshire District Council and Jonathan Robert Hilditch and Paula Diane Hilditch.
 - The application Ref 16/04252/DIS106, dated 19 September 2016, was refused by notice dated 18 January 2017.
 - The application sought to have the planning obligation discharged.
-

Decision

1. The appeal is allowed. The planning obligation, dated 20 November 2008, made between South Shropshire District Council and Jonathan Robert Hilditch and Paula Diane Hilditch, no longer serves a useful purpose and is discharged.

Application for costs

2. An application for costs was made by the Appellants against Shropshire Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the planning obligation is required for the continued maintenance of an affordable dwelling in this location.

Reasons

4. Planning permission was granted in 2008 for the "Erection of an affordable dwelling and garage; installation of a sewage treatment plant; formation of a vehicular access" on the northern part of the field adjoining 5 Gravels Bank, Minsterley following the execution of an agreement (the planning obligation) made pursuant to section 106 of the Town and Country Planning Act 1990 (as amended). The dwelling is now known as "The Berries". The planning obligation restricts the sale and letting by the owner to a qualifying person at no more than the formula price or at an affordable rent, thus ensuring that the dwelling remains affordable and available to satisfy local housing need.

5. A 'qualifying person' means a person who in the reasonable opinion of the Council is considered to be in Local Housing Need or complies with Other Considerations criteria. The Appellants qualified because they were able to demonstrate (a) they were in housing need (b) had a strong local connection (c) needed to live locally and (d) could not afford to buy locally.
6. Due to changing circumstances and in particular changing LPA policy the Appellants contend that the planning obligation has now outlived its usefulness with the result that it imposes an unreasonable and unfair restriction on the occupation and disposal of "The Berries".
7. Section 106A (6) of the Town and Country Planning Act 1990 (as amended) provides that on an application for modification, the determination may be that the obligation shall continue to have effect without modification; if the obligation no longer serves a useful purpose, that it shall be discharged; or if the obligation continues to serve a useful purpose but would serve that purpose equally well if it had effect subject to the modifications requested.
8. In the context of planning policy, "The Berries" was considered under the South Shropshire District Council Local Plan 2004-2011. The Local Plan identified that new housing development should take place in identified towns, main villages and within settlement boundaries in accordance with Policy SDS3. The Local Plan promoted a wide range of opportunities for new affordable housing throughout the District in accordance with Policy SDS7. Amongst other matters, Policy SDS7 indicates that outside the towns and main villages listed in Policy SDS3, affordable housing may be permitted on small sites not identified for development in the Plan, within and adjoining the specified villages. Importantly, the word *exception* does not appear in the policy.
9. However, the prevailing planning policy has significantly changed. The Core Strategy now provides the framework for Shropshire's rural areas. It was adopted in March 2011 and together with the Site Allocations and Management of Development (SAMDev) (2015) forms the statutory development plan for the area. Policy CS4 of the Core Strategy introduces the concept of Community Hubs and Community Clusters to be identified in conjunction with Parish Councils wherein new open market housing will be permitted.
10. The Hubs and Clusters are defined at Policy MD1 of the SAMDev. Relevant to this appeal Gravels (including Gravels Bank) is within one of the six Hubs and Clusters identified within the hinterland of the Market Town and Key Centre of Bishop's Castle under SAMDev Policy S2.2 (vii). Policy CS11 of the Core Strategy also proposes the provision of affordable housing through permitting exception schemes on suitable sites in and adjoining Community Hubs and Clusters thus including Gravels Bank. It also promotes a *Build Your Own Affordable Home* scheme which extends the scope for this type of housing beyond Hubs and Clusters.
11. The result of this significant change in planning policy is readily apparent at Gravels Bank where a series of outline planning permissions have been granted for a total of five open market dwellings all located within 100m of "The Berries". The appeal site is clearly within the hamlet and forms part of a concentration of properties around the road junction. It is clear to me that a planning application today for an open market dwelling on this site would be in accordance with planning policy.

12. The Council considers that the planning obligation continues to serve a useful planning purpose. It contends that there is a waiting list of approximately 1,737 households for affordable housing in rural areas in Shropshire. Moreover, it states that it must plan to meet objectively assessed needs for market and affordable housing, as far as is consistent with national policy and that "The Berries" forms part of the affordable housing stock which is restricted in size and onward sale. Policy CS11 of the Core Strategy and Policy MD7a of the SAMDev Plan explain how it is to be delivered: through open market housing development and 'exception site' dwellings. However, it is noteworthy that the dwelling was not constructed as an open market housing scheme with a quota of affordable housing. Nor is it a rural exception site. The NPPF defines rural exception sites as small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Plainly, whether or not it could have been considered a rural exception when it was granted permission, it would certainly not be a rural exception site now, given that open market housing would be acceptable here.
13. The fact that there has been a significant and relevant change in planning policy to allow market housing is an important material consideration. The previous relatively restrictive system of rural planning control operated by South Shropshire District Council has now been replaced with a more liberal regime which supports a much wider distribution of open market housing throughout the rural area. Even though the dwelling is in existence and is subject to restrictions that currently retain it as a unit of affordable housing, it would be wrong to disregard the current development plan policy framework. As a result today the appeal site at "The Berries" would be an acceptable and appropriate location for new open market housing under Policy CS4.
14. Were a proposal to come forward now for a dwelling on the site it would be unnecessary and unreasonable to require a restrictive planning obligation of the sort currently applied to this dwelling. Furthermore, it would be unreasonable and manifestly unjust if the Appellants who are a young couple born and bred in the area and working locally were to be denied the benefit of the type of unencumbered home ownership which will be enjoyed by those households who move into the planned new dwellings in Gravels Bank. I conclude on the main issue that the planning obligation is no longer required for the continued maintenance of an affordable dwelling in this location.
15. The Council is concerned about the precedent set by this proposal. In my view, the discharge of the planning obligation will have no material impact on the local supply of affordable housing. The Appellants have indicated no intention of leaving "The Berries" so the property would not in any event come forward for disposal as an affordable unit for many years. In this context discussion of current housing waiting lists is not relevant as the property is unavailable for sale or rent. Moreover, Policy CS11, the detailed SPD on the subject¹ and the promotion of a scheme to *Build Your Own Affordable Home* collectively cater for any new demand for affordable housing on suitable plots/sites in this locality.
16. I have considered all other matters raised including the Council's legal interpretation and the appeal decisions referred to in the submissions. The two appeal decisions² referred to are not of a similar nature to the current appeal

¹ Type and Affordability of Housing Supplementary Planning Document (SPD) Adopted 12 September 2012

² APP/T6850/Q/16/3151136 and APP/Q6810/Q/16/3142545

as there has been no intervening change in relevant planning policy since those decisions. I am also aware of the appeal decision relating to Yew Tree Cottage, Bentlawnt³ but there is no evidence before me that this has led to a number of similar applications. The discharge of the planning obligation will only apply to sites which were not eligible for open market housing at the time when planning permission was granted for an affordable dwelling but which would now be eligible for open market housing as a result of a subsequent change in adopted planning policy. Each application must be considered on its own merits and in the light of the development plan unless material considerations indicate otherwise. None of the matters raised alter the balance of my conclusions. For all the above reasons, the appeal is allowed.

Harold Stephens

INSPECTOR

³ APP/L3245/Q/16/3143661

Costs Decision

Site visit made on 5 June 2017

by Harold Stephens BA MPhil DipTP MRTPI FRSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 June 2017

Costs application in relation to Appeal Ref: APP/L3245/Q/17/3169024 The Berries, Gravel Banks, Minsterley, Shrewsbury SY5 0HG

- 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 JR and Mrs PD Hilditch for a full award of costs against Shropshire Council.
 - The appeal was against the refusal to have the planning obligation discharged.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The *Planning Practice 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.
3. The Appellants and their agent received poor service from the Council at the application stage, including a lack of communication from the Council following the successful appeal decision APP/L3245/Q/16/3143661 on 17 August 2016 which was for a similar application to The Berries, the application was wrongly described and referenced and there was an absence of Council contact despite the fact that several emails were submitted to the officer responsible. There appears to have been little proper input from the Council at any stage of the planning application process. The Council failed to meet either of the two target dates for determination of this case¹ and failed to advise the Appellants of the later deadline. An appeal was lodged on 19 January 2017 against non-determination. None of this is disputed by the Council.
4. To confuse matters further, the Appellants and their agent received a refusal notice dated 18 January 2017 with the correct reference number but with an incorrect site address. As a consequence this involved the Appellants and agent in extra work chasing up a correct decision notice and lodging revised appeal forms - this time against refusal - and a covering letter seeking to explain to the Planning Inspectorate the confusing series of events which had led to that situation. The Council does not dispute this matter.
5. At this time two officer reports appeared on the Council's website – the first was a one page Planning Officer's report purporting to have been posted on 17 November 2016. However, it is clear to me that this report first appeared in mid-January 2017 and not on 17 November 2016. The second report was a

¹ 18 October 2016 and 15 November 2016

much longer report entitled Final Officer Report and this was posted on the Council's website on 24 January 2017 - six days after the decision date. Again these matters are not disputed by the Council.

6. As a result the Appellants and their agent faced the extra work of producing a Supplementary Appeal Statement with necessary comments on the Final Officer Report. This job was especially time consuming as it referred to two planning appeal decisions which were alleged to be relevant but failed to copy the decisions. The Appellants point out that these decisions were not at all relevant to the current appeal. Furthermore, it is clear that the Council rejected the previous relevant decision APP/L3245/Q/16/3143661 without providing an adequate explanation. The Council accepts that delays in posting the Final Officer Report resulted in the need for additional work by the Appellants including the additional cost of producing a Supplementary Appeal Statement.
7. Taking all of this evidence into account I consider that the Council's behaviour has been unreasonable throughout the life of the application and the appeal. My conclusions on the merits of the application are set out in my appeal decision and the prevailing planning policy indicates clearly that the planning obligation should be discharged. The Appellants have received poor service from the Council in relation to procedural matters through the failure to meet deadlines and through delays in providing relevant information. This is unreasonable behaviour and it falls within the list of procedural irregularities set out in the *Planning Practice Guidance*.² The application should not have needed to come to appeal; the Council's unreasonable behaviour has led the Appellants to incur unnecessary costs which could have been avoided.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay to Mr JR and Mrs PD Hilditch, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Shropshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Harold Stephens

INSPECTOR

² Paragraph: 047 Reference ID: 16-047-20140306



Appeal Decision

Site visit made on 11 July 2017

by **Debbie Moore BSc (HONS) MCD MRTPI PGDip**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 July 2017

Appeal Ref: APP/L3245/W/17/3173395
12 Honeysuckle Row, Shrewsbury SY3 7TW

- 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 Mario Nicholas against the decision of Shropshire Council.
 - The application Ref 16/05410/FUL, dated 24 November 2016, was refused by notice dated 7 March 2017.
 - The development proposed is described as "erection of single detached dwelling and garage".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the site address from the application form. I am aware that the Council used a different address in the decision notice, but I am satisfied that the address given by the appellant is accurate for the purposes of the appeal.
3. Similarly, I have taken the description of development from the application form.

Main Issue

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

Reasons

5. The appeal site comprises part of the relatively large rear garden of a house which faces onto Honeysuckle Row. The site frontage is on Primrose Drive, and is marked by a fence and conifer hedge. A footpath passes close to the corner of the site, and there is a single garage in separate ownership to the north, which is divided from the site by a brick wall. The surrounding area is characterised by modern estate development with a mix of house types. The development pattern tends to be open plan with houses set back from the road. Primrose Drive has bungalows along its southern side, with two-storey houses opposite. The road sweeps round in a curve and there is a wide grass verge on one side that contributes to the area's open appearance.

6. The proposed development is a two-storey detached house that would front onto Primrose Drive. A driveway with space for two cars is proposed that would require a new vehicular crossover.
7. The house would be sited significantly further forward in the plot than others in the immediate vicinity, especially the bungalow located to the south. The siting, combined with the curve of the road, means that the house would be highly visible and prominent in the street scene. Whilst the size and scale of the house would be comparable to others in the road, the development would extend across the full width of the plot and the front garden would be relatively shallow. Moreover, the two-storey element of the house would be furthest forward, which would accentuate its visual impact. Overall, the house would stand out as an obtrusive feature that would not blend in with its surroundings. The proposed boundary treatment would be insufficient to mitigate the visual impact of the development.
8. I appreciate that the house on the adjoining plot has recently been built as infill development, but this is less prominent than the appeal proposal, and the house complements the street scene. I have also taken into account the opinion of the planning officer, in particular, the statement that there are other built elements within the street scene that come closer to the public highway than the proposed dwelling. However, I saw from my site visit that the neighbouring garage is set further back and is single storey, so is less prominent. I also saw several boundary walls, but these are relatively small scale and are characteristic features of the estate, which complement the area. Although the fence and conifer hedge at the front of the appeal site is a visually dominant feature, its impact is not comparable with a two storey house, and its removal does not justify the development.
9. I have given consideration to the other schemes referenced by the appellant. Whilst these may prove successful, they all differ from the site circumstances before me and do not persuade me that the proposal would be acceptable.
10. I have considered all other matters raised by interested people. However, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to reach a conclusion on these matters.
11. I conclude that the development would have an adverse effect on the character and appearance of the area. It would not respond appropriately to the form and layout of existing development and the way it functions, contrary to Policy MD2 of the Shropshire Site Allocations and Management of Development Plan (adopted December 2015). It would also be contrary to Policy CS6 of the Core Strategy,¹ which promotes high quality development that respects and enhances local distinctiveness.
12. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector

¹ Shropshire Local Development Framework: Adopted Core Strategy, March 2011