



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

Date: Wednesday, 15 November 2017

**Committee:**  
**Central Planning Committee**

**Date:** Thursday, 23 November 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  
Dan Morris  
Lezley Picton  
Claire Wild

Your Committee Officer is:

**Shelley Davies** Committee Officer

Tel: 01743 257718

Email: [shelley.davies@shropshire.gov.uk](mailto:shelley.davies@shropshire.gov.uk)

# AGENDA

## 1 Apologies for absence

To receive apologies for absence.

## 2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the Central Planning Committee held on 26<sup>th</sup> October 2017.

Contact Shelley Davies on 01743 257718.

## 3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

## 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 Land Between Preston Street & London Road, Shrewsbury - 17/01612/OUT (Pages 7 - 62)

Hybrid planning application for a residential development of up to 600 dwellings, access, footpath/cycleways, public open space, landscaping and associated drainage and development infrastructure: comprising FULL application for 353 dwellings, access from Preston Street, access from London Road and spine road, footpaths/cycleways, public open space, landscaping, demolition of existing buildings and associated infrastructure; and OUTLINE submission for (up to) 247 dwellings, footpath/cycleways, public open space, landscaping and associated development infrastructure (amended description).

## 6 Coton Hill Glass Works, Coton Hill, Shrewsbury - 17/05049/FUL (Pages 63 - 78)

Conversion of a former Church and current retail premises (use class A3) to five residential apartments to include terraces and external fire escape with footbridge.

## 7 Schedule of Appeals and Appeal Decisions (Pages 79 - 84)

## 8 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, 21<sup>st</sup> December 2017 in the Shrewsbury Room, Shirehall.



## Committee and Date

Central Planning Committee

23 November 2017

## **CENTRAL PLANNING COMMITTEE**

### **Minutes of the meeting held on 26 October 2017**

**2.00 - 3.25 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Michelle Dulson

Email: michelle.dulson@shropshire.gov.uk Tel: 01743 257719

### **Present**

Councillor Ted Clarke (Chairman)

Councillors Dean Carroll, Nat Green (Vice Chairman), Nick Hignett, Alexander Phillips, Ed Potter, Kevin Pardy, David Vasmer and Harry Taylor (Substitute) (substitute for Pamela Moseley)

### **62 Apologies for absence**

Apologies for absence were received from Councillors Pamela Moseley (Substitute: Harry Taylor), Tony Parsons and Keith Roberts.

### **63 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 28 September 2017 be approved as a correct record and signed by the Chairman.

### **64 Public Question Time**

There were no public questions or petitions received.

### **65 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 the application for the partial discharge of condition 5 (16/03225/OUT) on planning permission 15/03580/FUL Land at Barker Street, Shrewsbury - Councillor Dean Carroll stated that he had pre-determined the item and therefore he would leave the room, take no part in the consideration of, or voting on, this item.

With reference to planning application 17/02075/FUL and Listed Building Consent 17/02076/LBC Cathedral Church, Town Walls, Shrewsbury - Councillor Dean Carroll stated that due to a perception of bias he would leave the room, take no part in the consideration of, or voting on, these items.

With reference to the application for the partial discharge of condition 5 (16/03225/OUT) on planning permission 15/03580/FUL Land at Barker Street, Shrewsbury, planning application 17/02075/FUL and Listed Building Consent 17/02076/LBC Cathedral Church, Town Walls, Shrewsbury – Councillor Nat Green stated that as he was the local Ward Councillor he would leave the table, take no part in the consideration of, or voting on, these items.

With reference to planning application 16/04590/FUL Land at 117/125 Wenlock Road, Shrewsbury - Councillor Ted Clarke stated that as he was the local Ward Councillor he would leave the room, take no part in the consideration of, or voting on, this item.

With reference to planning application 17/03906/FUL 116 Underdale Road, Shrewsbury - Councillor David Vasmer stated that as he was the local Ward Councillor he would leave the table, take no part in the consideration of, or voting on, this item.

**66 Land at Barker Street, Shrewsbury - 17/04172/DIS**

*In accordance with their declarations at Minute 65 Councillors Dean Carroll and Nat Green left the room, did not take part in the debate and did not vote on this application.*

The Planning Services Manager introduced the application for the partial discharge of condition 5 (in relation to Block C) on Planning Permission 15/03580/FUL for the erection of three (4-storey) blocks of student accommodation; one (3-storey) block of management and post-graduate accommodation; new/altered vehicular access; cycle parks; and ancillary works and confirmed that the Committee had undertaken a site visit on 28 September 2017 to assess the impact of the proposed development on neighbouring properties and the surrounding area. The Planning Services Manager explained that at the Central Planning Committee meeting held on 28 September 2017, Members resolved to defer the application to allow the architect to address the design issues raised and for the Committee to consider an application for the site as a whole.

The Planning Services Manager informed the Committee that a Full Planning Application had been submitted by the Developers that week which showed the wider scheme.

The Planning Services Manager drew Members' attention to the Schedule of Additional Letters which included a representation from the Town Council withdrawing its objection to this application along with a representation from the Civic Society maintaining their objection to this application.

Mr Jeremy Cragg, on behalf of the Civic Society spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by the speaker, the Committee unanimously expressed their support for the Officers recommendation.

Members wished to express their dissatisfaction with the way in which this application had been dealt with by the developers. They felt that the application had been hurried and that a public consultation should have been undertaken. The Planning Services Manager agreed to feed this back to the developers.

**RESOLVED:**

That the details submitted to discharge condition 5 in relation to block C are acceptable and approved and that this condition is partially discharged as per the Officer's recommendation.

**67 Land At 117/125 Wenlock Road, Shrewsbury - 16/04590/FUL**

*Councillor Ted Clarke as local ward Councillor vacated the Chair. Councillor Nat Green as Vice-Chairman presided as Chairman for this item.*

The Technical Specialist Planning Officer introduced the application for the erection of 32 retirement living apartments including communal facilities, landscaping and car parking; formation of vehicular access following demolition of existing property (amended description) and confirmed that the Committee had undertaken a site visit on 27 July 2017 to assess the impact of the proposed development on neighbouring properties and the surrounding area. The Technical Specialist Planning Officer explained that at the Central Planning Committee meeting held on 27 July 2017, Members resolved to approve the application subject to the final detail of the Section 106 legal agreement in relation to affordable housing being brought back to this Committee.

The Technical Specialist Planning Officer further explained that at the Central Planning Committee meeting held on 31 August 2017, Members resolved to defer this application in order to seek clarification on the figures regarding the size of the plot and the threshold land value calculations.

The Technical Specialist Planning Officer informed Members that the applicant had agreed to increase its Affordable Housing Contribution to £177,877 but would not agree to an overage clause. Officers felt that the Council would be unable to defend a refusal on this ground at appeal and had agreed to accept the offer.

The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included a representation from Councillor Tony Parsons who now took a neutral stance to this development.

Dr David Cannell, a local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Ms Lisa Matthewson, 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 and listened to the comments made by the speakers, 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 set out in Appendix 1 and a S106 to secure a financial AHC of £177,877 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.

*It was agreed to take Agenda Items 7 and 8 (Cathedral Church, Town Walls, Shrewsbury - 17/02075/FUL and 17/02076/LBC) together.*

**68 Cathedral Church, Town Walls, Shrewsbury - 17/02075/FUL**

*In accordance with his declaration at Minute 65 Councillor Dean Carroll left the room, did not take part in the debate and did not vote on these applications.*

The Area Planning Manager introduced the concurrent planning permission and listed building consent applications for the installation of cast iron automatic gates, wall mounted railings and brick piers for the rear access from Belmont to include a reduction in height of entrance walls. The Area Planning Manager informed Members' that these applications were before the Committee for consideration following concerns from the Civic Society and Town Council.

The Area Planning Manager confirmed that Members had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

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 these items. During his statement, a number of points were raised including the following:

- Members had seen the railings that were already in place so the principle had already been set in the context of the building;
- The design was quite strong for the street in terms of the proposed blue coated quatrefoil pattern cast railings and gate;
- The Town Council now took a neutral stance to the proposal.

Having considered the submitted plans Members unanimously 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.

**69 Cathedral Church, Town Walls, Shrewsbury - 17/02076/LBC**

*See Minute 68 above.*

**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.

**70 42 Rothley Close, Shrewsbury - 17/03276/FUL**

The Area Planning Manager introduced the application for the erection of a two storey side extension together with a single storey rear and side extension and confirmed that Members had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. The Area Planning Manager drew Members' attention to the Schedule of Additional Letters which included a representation from the neighbouring resident at No. 39 Rothley Close.

Mr David Barrow, a local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

*At this point Councillor Ed Potter declared that the applicant was known to him. He therefore left the table, did not take part in the debate and did not vote on this application.*

Having considered the submitted plans and listened to the comments made by the speakers, Members unanimously 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.

**71 116 Underdale Road, Shrewsbury - 17/03906/FUL**

*In accordance with his declaration at Minute 65 Councillor David Vasmer left the room, did not take part in the debate and did not vote on this application.*

The Area Planning Manager introduced the application seeking full planning permission for the alteration to an existing conservatory to form a garden room and linking to the existing rear single storey extension; a new detached building within the rear garden forming a hobby room with log burner and separate store; and alterations

to the existing driveway (paving) and formation of a new fence in the form of metal railings to the front of the dwelling with the garden area being retained.

In response to a query, the Area Planning Manager explained that a condition restricting the existing extension to a single dwelling would not be considered reasonable and was unnecessary as planning permission would be required in that event.

Having considered the submitted plans, 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.

**72 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the Central area as at 26 October 2017 be noted.

**73 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, 23 November 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....





Committee and date

Central Planning Committee

23 November 2017

Item

5

Public

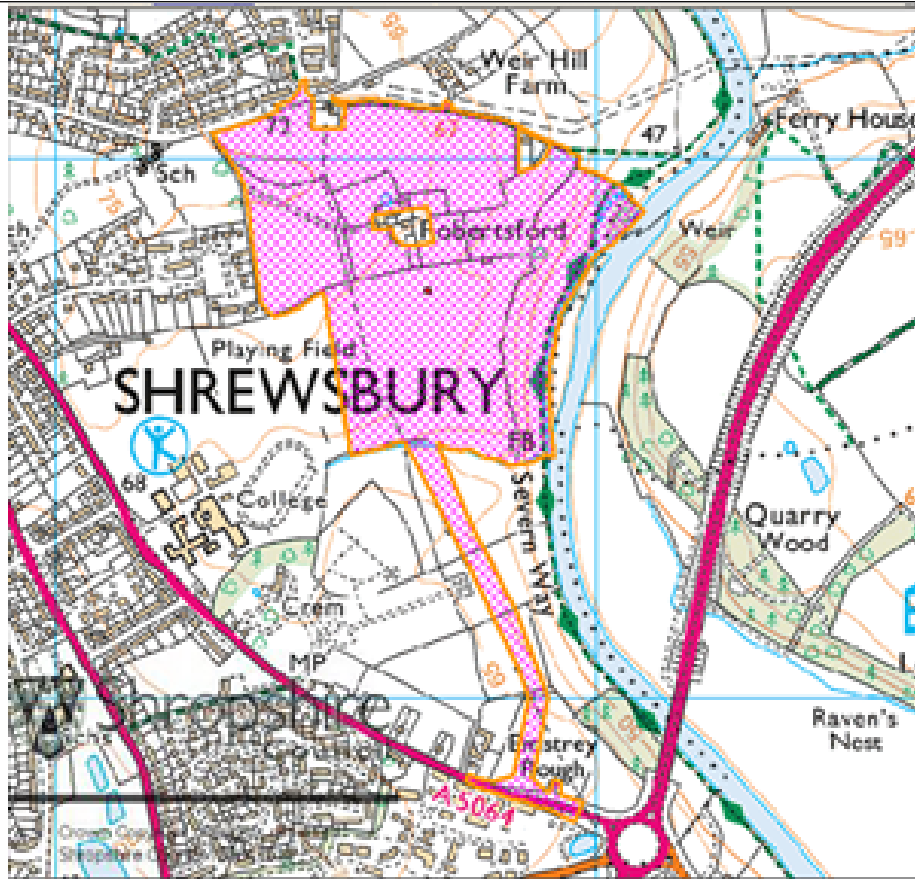
## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 17/01612/OUT	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Hybrid planning application for a residential development of up to 600 dwellings, access, footpath/cycleways, public open space, landscaping and associated drainage and development infrastructure: comprising FULL application for 353 dwellings, access from Preston Street, access from London Road and spine road, footpaths/cycleways, public open space, landscaping, demolition of existing buildings and associated infrastructure; and OUTLINE submission for (up to) 247 dwellings, footpath/cycleways, public open space, landscaping and associated development infrastructure (amended description).		
<b><u>Site Address:</u></b> Land Between Preston Street & London Road Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Taylor Wimpey And Persimmon Homes		
<b><u>Case Officer:</u></b> Vincent Maher	<b><u>email:</u></b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 351690 - 311760		



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**Recommendation:- Grant Permission subject a s106 legal agreement and the conditions set out in Appendix 1 and any amendments considered necessary by the Planning Services Manager**

## Report

### 1.0 THE PROPOSAL

- 1.1 This planning application is a 'hybrid' application (that is, part full and part outline). It seeks permission for up to 600 new homes on land that is allocated for residential development in the adopted SAMDev plan (Policy S16.1a SHREW0027 – PART) on the south eastern edge of Shrewsbury.
- 1.2 The development (as amended following some minor revisions) is in two phases. Phase 1 provides full details and proposes 353 homes (in a scheme amended in October 2012) accessed via Preston Street with associated infrastructure, open space, roads, pathways, sustainable drainage, landscaping and a new access and road from London Road.
- 1.3 The outline phase (Phase 2) is situated to the immediate south of Phase 1 and will provide the balance of up to 247 homes. Access to this will be from London Road via a new access. The applicants have stated that this will be opened before the occupation of no more than 250 homes, that is, substantially ahead of the completion of Phase 1.

- 1.4 The following summary sets out in more detail what is being proposed:
- A masterplan has been prepared showing the site subdivided into separate character areas with a range of development densities (higher densities in the north and western parts of the site and lower in the east and south).
  - A mix of tenures with affordable homes which have been “pepper potted” around the development. Houses have been arranged around the main spine road and secondary streets in a mix of frontage and cul de sac layout.
  - Stand-off and buffer zones to neighbouring development in the form of public open space with planted/landscaped boundaries.
  - Footpaths and cycleways running through the site and open spaces linking to Preston Street and the riverside.
  - A new riverside park to the east to include new balancing pond features associated with a sustainable drainage scheme serving the development and providing a new recreation resource for existing and new residents alike.
  - Financial contributions towards local infrastructure and services including towards local school space expansion and highway improvements to include works to widen Preston Street and traffic management on Belvidere Bridge.
- 1.5 The proposals are the culmination of a lengthy pre-application process involving extensive community consultation and engagement with the local authority and statutory consultees. The scheme has been the subject of two rounds of consultation. The first in the spring of this year and the second in October when revised drawings and documentation was submitted
- 1.6 The proposals concern an open area of farmland of 36.71 hectares, within which sits the separately owned and occupied Robertsford House. The site is bounded on three sides with mature hedges and trees which are to be largely retained in accordance with the masterplan aspirations. The layout shows areas of public open space, one featuring an existing pond retained to the north. The electricity substation and compound that fronts Preston Street will be comprehensively landscaped to the boundary with the application site. There are several overhead cables crossing the site and these are to be either buried or diverted.
- 1.7 The development will include a number of public open spaces within and on the edges of the site interlinked with open swales, footpaths and cycleways. The majority of existing trees and hedgerows within and round the site are to be retained. There is a significant existing water main easement that runs through the site in a north to south direction and this is a major influence over the way in which the site may be developed.
- 1.8 The layout also shows a substantial landscaped buffer to Robertsford Cottage and the proposed Riverside Park contains two balancing ponds at lower ground levels to facilitate drainage for the development. The pond in Phase 1 is shown overlooked by a row of detached dwellings, thereby creating an attractive visual and landscape feature on the edge of the development.
- 1.9 The Design and Access Statement describes the proposals in detail by the following:

- use of built form to create well defined streets and spaces;
- an urban block structure with houses facing onto the street providing natural surveillance and active frontages with private gardens located to the rear providing security and privacy;
- a low-medium density development to reflect the semi-rural setting and to allow views between properties to the surrounding landscape;
- a clear hierarchy of public open spaces including a large Riverside Park;
- careful positioning of buildings to maximise views and surveillance of public open spaces;
- a highly legible structure of streets and where residents and visitors can intuitively find their way around the development;
- a strong sense of rhythm and continuity along streets with houses set along a relatively consistent building line behind small front gardens, with subtle staggering or minor setbacks to provide variety and interest or to define a junction or space or act as a traffic calming device;
- good separation between facing units and minimum back to back distances of around 20 metres;
- mid-range and long distance views towards surrounding countryside maintained along streets and green corridors;
- generous setbacks and landscape buffers to adjoining residential areas to protect the amenity and outlook of existing properties; and
- an outward-facing development with units orientated towards Preston Street and the surrounding countryside.

1.10 A significant feature of the proposals concerns the Riverside Park, which is intended to provide the majority of open space for the development. The application is accompanied by a Landscape Strategy which provides details on the design of the proposed Riverside Park. Part of the Riverside Park falls within a locally designated Shropshire Wildlife Trust site.

1.11 Key elements of the Riverside Park include:

- retention of existing hedgerows and trees;
- maintenance and improvement of the existing Severn Way track;
- simple landform shaping coupled with the careful arrangement of logs, trunks and rocks to provide areas of 'Nature Play';
- increased native woodland planting;
- areas of retained and managed grass;
- compacted stone footpaths linking new housing with the river edge; and
- a network of swales planted with appropriate seed mix.

1.12 The development proposes a broad range of house type designs in Phase 1 (36 house types) that are predominantly two storey, of traditional style and appearance which incorporate common architectural elements and features found elsewhere locally including:

- pitched roofs with projecting eaves and verges;

- predominantly brick faced elevations with use of render and hanging tile on selected units;
- the use of decorative brick and stone detailing in window and door surrounds;
- consistent use of proportions and details throughout site to create a coherent rhythm;
- porches and canopies to articulate entrances;
- white uPVC windows;
- variety to the roofscape provided through variation in ridge height, the use of dormer windows, gables, and skylights; and
- a strong sense of symmetry, rhythm and balance in the treatment of main facades and fenestration.

1.13 The mix of houses in Phase 1 is now as follows:

Number of bedrooms	Market Housing	Affordable Rent	Shared Ownership
2 bedroom	21	35	16
3 bedroom	114	12	6
4 bedroom	100	2	
5 bedroom	47		
Total	282 (80%)	49 (14%)	22 (6%)

1.14 A similar mix of units is proposed in Phase 2 but this matter will be clarified at reserved matters stage. The developer is committed to delivering 33% affordable housing in Phase 2.

1.15

The application has been accompanied by a lengthy schedule of documents including:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Flood Risk Assessment and Drainage Strategy
- Landscape and Visual Appraisal and Addendum Report
- Framework Ecological Mitigation Strategy including information on badgers
- Bat Assessment Report
- Phase 1 Environmental Risk Assessment
- Arboricultural Impact Assessment and Method Statement
- Archaeological Evaluation
- Air Quality Assessment
- Construction and Environmental Management Plan (CEMP)
- Noise Assessment

- Analytical Ridge and Furrow Earthwork Survey
- Built Heritage Assessment
- A document setting out Heads of Terms for a s106 Legal Agreement

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a series of largely open agricultural fields to the south east of Shrewsbury north of the A5064 London Road, close to its intersection with the A5. The site is reasonably level but falls away to the east towards the River Severn and south towards London Road. It contains a number of pylons carrying overhead power lines which are to be under-grounded within the road network of the development site. The site is also crossed by two public rights of way.
- 2.2 Preston Street runs along part of the northern site boundary before turning northwards into Portland Crescent. There is a substantial hedge with trees fronting Preston Street along the northern edge of the site with a stretch of timber fencing along the western part of the frontage over which are views of the site. The roadside verge has also been planted with trees, several of which are mature and are prominent local features.
- 2.3 The rest of the northern boundary fronts onto an access lane (a continuation of Preston Street) leading towards the River Severn and several dwellings and a farm further to the east. There is a public right of way that runs down this lane towards the river.
- 2.4 There is a substantial electricity station and compound located within an area to the north of the site and the application boundary runs around this facility. At present, the side and rear boundaries of the compound are formed by a 2m high metal palisade fence. It has an access directly off the lane which is bounded by hedgerow planting. There is a field access to the immediate west to of the compound. The lane contains hedgerows on both sides for much of its length.
- 2.5 Existing development on Preston Street and Portland Crescent is characterised by detached and semi-detached dwelling houses including several bungalows, set back from the roadside.
- 2.6 To the north east of the site along the lane lies a small enclave of dwelling houses known as Robertsford Cottages that back onto the proposed riverside park. The boundaries of these properties are marked with hedges and trees. The lane ends in a track that leads through arable fields and onto the riverside.
- 2.7 Robertsford House is a detached dwelling with associated outbuildings located within the land surrounded by the application site. It is located at the end of an access lane leading off Preston Street and its boundaries are largely marked by hedges and trees.
- 2.8 The southern edge of the site is marked by a hedgerow and is adjacent to the curtilages and grounds of the Crematorium, London Road Sports Centre and Shrewsbury College. The proposed southern access road will run across open fields

between the Crematorium and the River Severn entering onto London Road opposite the Shrewsbury Business Park to the east of a dispersed line of detached dwelling houses. The land to the rear of these dwellings is earmarked for new residential development in the form of self-build properties. A short distance further to the east is a major roundabout intersection with the A5 Trunk Road. Further to the east lies the Shrewsbury Bypass which is largely screened by a mature line of trees.

2.9 To the immediate west of the site accessed via a private road (Mayfield Drive) off London Road is Sunfield Park, an enclave of substantial detached dwellings set behind a boundary of hedge and fencing. To the immediate north of Sunfield Park is a playing field enclosed with a mature hedge and trees and a redbrick boundary wall that faces Preston Street. At the western end of Preston Street is the Column Roundabout close to which are several shops and public houses together with Shropshire Council's administrative centre at Shirehall and the County Law Courts.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is the subject of objections from Shrewsbury Town Council. Moreover, this is a complex and major application which the Planning Services Manager, in consultation with the Central Planning Committee Chair, considers should be determined by the Planning Committee.

### 4.0 Community Representations

4.1 Consultee Comments

#### 4.1.1 **SC Learning and Skills – Comments:**

The development of 600 dwellings will impact directly on the capacity of local catchment area primary schools and Shrewsbury secondary schools. The development is also likely to cause additional pressures on schools within neighbouring catchment areas. It is therefore essential that the developers of this development contribute towards the consequential cost of any additional places/facilities considered necessary to meet the additional pupil numbers, by way of a Section 106 agreement

Based on a development of 600 homes the section 106 requirement might reasonably lead to a pupil yield of 106 at primary and 85 at secondary based on the mix at Phase 1.

The contributions would therefore be :

Primary 106 x £13,115 = £1,390,190, and  
Secondary 85 x £17,050 = £1,449,250.

This amounts to a total of £2,839,440.

#### **Primary Provision**

The site straddles the primary school catchment areas of St Giles' CE Primary and Mereside CE Primary. Within urban areas like Shrewsbury schools are often in closer proximity and therefore offer greater choices for parental preference. Part of

the consideration for school place planning is where developments may cause consequential impact on surrounding schools outside of the catchment area in which the homes are being built, as pupils are 'pushed back' to their own catchment area schools.

Based on other development pressures across the town the current preferred option will be to use S106 monies from this development to support increased capacity at Mereside CE Primary. There is no requirement to expand provision at St Giles' CE Primary, as the school's existing capacity is sufficient to accommodate their catchment area needs, even allowing for the potential numbers of primary pupils from this development. However, the 'push back' of children from out of catchment area in the future will impact on provision at a number of other Shrewsbury primary schools, in particular Crowmoor Primary, Sundorne Infants and Harlescott Junior.

### **Secondary Provision**

Shrewsbury is covered by a single secondary catchment area. This effectively means the development may impact on the four secondary schools in Shrewsbury. Based on the locality of this development the greatest pressure on school places will be experienced at Belvidere, Priory and Meole Brace secondary schools. Therefore, S106 monies from the Weir Hill development will be used to alleviate secondary school pressures through expansion works across these three secondary schools.

#### **4.1.2 Shropshire Wildlife Trust: comment**

Welcomes proposed Riverside Park and retention of majority of trees/ hedges but have some concerns relating to the proposals.

Preferable if entire Riverside Park were included in initial phase i.e. prior to occupation of Phase 1 dwellings. This would help new residents develop an appreciation and sense of ownership of the natural areas from the outset as well as establishing sustainable choices of walking and cycling that may be harder to establish when routines based around driving have been adopted. Riverside Park is not a new facility but an existing area of green space with significant ecological value and a well-used footpath.

Supports opportunities for enhancement but character of the riverside park would be degraded if the development visually intruded. The Landscape and Visual Appraisal suggests that "the majority of the development will not be visible" from Severn Way / riverside path. A significant visual impact could be produced from the minority of the development being visible. Given the topography, size of the buffer zone and the opportunity for natural species screening it should be possible to make the development invisible from the riverside area.

In general agreement with findings of Ecological Mitigation Strategy. These need to be worked up into a Biodiversity Enhancement and Management Plan (BEMP). Issues such as sand martin cliffs, otter holts, stock fencing, access, interpretation can be further investigated and developed.

BEMP should be approved prior to start of development. This should be



accompanied by a detailed work schedule and costings. It should be clearly demonstrated how the long term management and monitoring of the ecology of the site will be funded and delivered for the life time of the development. To ensure appropriate delivery. SWT suggest that management by organisations such as Shrewsbury Town Council, SWT, etc. would be preferable to private management. Consultation with SWT on development of BEMP welcomed.

#### 4.1.3 **SC Ecology – Comments:**

Had initial queries and sought more information in relation to long-term habitat management. This is now covered in the BEMP planning condition.

Has now provided a detailed ecological assessment of the application from an ecological perspective is available to view online. Key elements of the assessment are summarised below:

- The site is within 10km of three Ramsar sites, two SSSIs – not likely to be affected by the proposal - and close to a number of local wildlife sites and local nature reserves too.
- The proposed riverside park will reduce pressure on local nearby designated ecological sites. Agrees with Shropshire Wildlife Trust on BEMP and access to park at early stage.
- Site habitats consist of arable land, improved grassland, poor semi-improved grassland, broadleaved semi-natural woodland (in the north-east corner of the site and along the south-eastern boundary), dense and scattered scrub, scattered trees, tall ruderals, a stream, amenity grassland, bare ground and fences (wooden post and barbed wire, stock-netting and wooden panel).
- The edge of the eastern boundary of the site in a local wildlife site. Majority of proposed development will take place outside of existing environmental network corridors.
- Bat roosts have been recorded around the site and some trees/ hedgerows highly suitable to support roosting bats/ habitat for foraging. Recommend bat survey and lighting plan conditions to address/ mitigate impact.
- Has considered presence of other species including badgers, great crested newts, reptiles, birds, otters, hedgehogs and other species. Has recommended a BEMP to address impacts.

Has conducted a Habitats Regulation Assessment (which is available to view online too). This confirms that there is no likely significant effect on the European Designated Sites, no likely effect on the integrity of the European Designated Sites from planning application and no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case

Has no objection subject to appropriate conditions (refer Appendix 1).

#### 4.1.4 **SC Rights of Way- Comments:**

FP 12 runs along the northern edge of the development, along the access track to Robertsford Cottages. This footpath has been identified on the site plans and within the Design & Access Strategy and although the route is not directly affected by the development, it needs to be taken into consideration when the secondary gateway

is positioned. FP 12 also runs along the River Severn and forms part of the Severn Way, this is also acknowledged within the planning application and the route incorporated into the Public Open Space.

Advises applicants to take account of the need to protect the right of way during construction.

#### 4.1.5 **SC Drainage - Comments:**

The proposed drainage details, plan and calculations should be conditioned if planning permission is granted. The proposed surface water drainage strategy in the flood risk assessment is acceptable in principle.

#### 4.1.6 **SC Highways:**

The application is supported by a Transport Assessment which demonstrates that the Preston Street and the Column Roundabout can accommodate Phase 1 of the overall development of the site. However highways concerns have been expressed regarding the delivery of Phase 1 together with the resultant construction traffic in building out Phase 1. Moreover, highway officers considered that the build out of Phase 1 should be capped to a maximum of 250 dwellings prior to the completion and opening up the secondary access to the development via London Road.

Highway officers were initially concerned about aspects of the layout of the estate layout. Further negotiation has led to two revised iterations of an estate layout for Phase 1. The latest iteration has addressed internal road layout queries including addressing concerns about bus tracking and articulated lorry/ transit movements within the estate layout.

The highways officer has reviewed the latest revised plan and offers the following comments.

- Internal estate layout has been improved and is broadly acceptable now subject to Waste colleagues being satisfied that the south western element of the estate can be serviced for refuse/ recycling.
- There will be no adverse impact on wider road network.
- Has considered applicant's proposal to tie up link to London Road access to 250 homes. Considers this to be acceptable based on an estimated build out rate of c100 homes (50 units per developer) per year. A figure of 100+ units remaining to be developed upon delivery of the London Road access gives them the incentive to complete Phase 1. A figure nearer 300 units i.e. almost full completion of Phase 1 could lead to mothballing of the site dependent upon the strength of the housing market at the time.
- Acknowledges public concerns about construction traffic using Preston Street but considers this could be addressed via planning condition requiring the widening of Preston Street adjacent to the terraced housing and opposite the Shirehall to better facilitate two-way traffic flow. This work would be required prior to the commencement of development.
- Traffic calming to be provided along Preston Street and Portland Crescent.
- Funding towards improving pedestrian provision across the Belvidere Road Railway Bridge is required.

- Recommends travel plan to promote alternative modes of transport and supports proposal for electronic car charging provision.

A more detailed assessment of highway and transport issues is incorporated in the main considerations later in this report.

#### 4.1.7 SC Trees Officer - Comments:

The area of land is mainly devoid of mature trees, being agricultural in nature, therefore tree removal is limited to 9 “B” category trees and 3 “C” category trees including the loss of 3 moderate Oaks at the proposed Preston Street access, unless the entrance can be re-aligned. In mitigation of tree loss, there is potential within a future layout to introduce significant new tree planting with adequate space for trees to reach maturity. The opportunity should be taken to enhance the distribution of tree cover across the site and to enhance the tree cover locally through appropriate planting where possible of large, long-lived varieties of trees. These provide greater ecosystem service benefits and generally have higher landscape and wildlife values than smaller, shorter lived types of tree and for existing green links to be strengthened to contribute positively to the appearance and character of the area in both the medium and long-term.

Initially recommended planting of long lived trees and advice on planting has been generally taken on board. Also, recommends tree protection condition. These have been addressed in revised plans.

Has one outstanding concern about regarding the location of two retained mature oak trees, T147 and T148 (see below).



Would like them to be kept within one public open space rather than have this space split up.

#### 4.1.8 **SC Affordable Housing Officer - Comments:**

The provision of 71 affordable dwellings represents 20% of Phase 1 and therefore satisfies the policy requirement. The tenure split between rented and low cost home ownership is acceptable. The split between bedrooms per household is also agreeable and consistent with the demand for Shrewsbury. Welcomes provision of 33% affordable in later stages.

Had concerns about flats in original scheme (**which have now been removed**) and the floorspace standards with house type AA21.

#### 4.1.9 **SC Archaeology - Comments:**

Two non-designated heritage assets with archaeological interest are recorded on or immediately adjacent to the Shropshire Historic Environment Record: a cropmark enclosure of likely late prehistoric and/ or Roman date (HER PRN 00018) on the south western site boundary; and an area of earthwork remains of ridge and furrow of possible medieval date (HER PRN 28268) immediately west of the Robertsford House farmstead. It is understood that the farmhouse (HER PRN 15147) and traditional farm buildings (HER PRN 27809) at the latter location are excluded from the proposed development site. However, from the available evidence they should be regarded as non-designated heritage assets in their own right.

A Desk Based Assessment and geophysical survey conclude that "...overall, the archaeological potential of the site is low". It is therefore considered that the principal archaeological interest are the earthwork remains of ridge and furrow (HER PRN 28268) in the field to the west of Robertsford House. Has recommended a condition that a written scheme of investigation be undertaken consistent with Historic England's guidance. .

#### 4.1.10 **SC Public Protection:**

Agrees that noise mitigation through glazing and ventilation will be required to some houses given proximity of substation. Has recommended a condition to this effect.

The air quality assessment suggests a negligible increase in pollutants of concern in the Shrewsbury area. Although there may only be a small increase the Shrewsbury Town Centre is covered by an air quality management area (AQMA) which at its worst exceeds legal pollution limits by 50%. As a result any additional pollution is not welcomed. Advises provision of electric vehicle charging points to all houses with off street parking to ensure that sustainable travel options for new residents in line with the applicants' Planning Statement.

Has recommended a contaminated land remediation condition for buildings to be demolished.

#### 4.1.11 **SC Parks and Recreation - Comments:**

No indication on the planning application of the total area already allocated to Public

Open Space (POS) within this development. Acknowledge there is a substantial amount of POS allocated. However, this detail must be provided so that the open space calculation can be made to ensure the policy requirement is met.

*The application more than meets this standard. See below.*

**4.1.12 SC Conservation and Design Officer - Comments:**

Northern portion of the site is elevated and visible in a variety of short and long range views across the open agricultural fields towards the town, in which the soft historically planted edge of the rear of the Sutton Road Character Area – part of the Shrewsbury Conservation Area - forms the predominant feature together with the mature trees in the grounds of the historic properties along Preston Street and London Road.

4-18 Preston Street are Grade II listed, and the property known as Highfield, whose historic brick boundary wall runs immediately adjacent to the existing Robertsford Farm entrance, is considered a non-designated heritage asset. The edge of the Shrewsbury Conservation Area lies approximately 700m to the west of the westernmost edge of the proposal site. The Grade I listed Longnor Hall lies on the opposite bank of the river within its registered parkland.

The historic farm buildings within the centre of the site, Robertsford Farm and the Robertsford Cottages, adjacent to the northern boundary, and those opposite the site at Weir Hill Farm and Cottages are also considered as non-designated heritage assets.

The northern section of the site is to be developed in the first phase in parallel by two developers, and to create a significant area of housing of a variety of types and scale which has been allocated in the current SAMDEV plan. The details of the design and materials for these are deemed to be appropriate and acceptable.

The remainder of the application – for fields to the south - in outline only and therefore does not include any details of design or materials; an indicative layout has been provided. Details will be subject to a further reserved matters application.

The LVIA submitted with the application has provided some consideration of the impact of the scheme on the landscape setting of the historic buildings on and adjacent to the site, and in summary it is claimed that the scheme responds to and retains the character of their immediate setting and has negligible or no effect on the designated heritage assets in the vicinity.

Had some initial concerns about the relationship between the application and Robertsford Farm. Has reviewed the Heritage Assessment and amended layout plan and house designs for the Weir Hill proposals, and is content that these have addressed concerns from a historic environment perspective and in terms of design. The impact on the non-designated heritage assets is minor to moderate and the negotiated design amendments, layout changes and screening proposals have mitigated this adequately, resulting in negligible loss of significance. This is acceptable.

**4.1.13 Highways England – Comments:**

Has reviewed traffic modelling for impact on the strategic road network (SRN) including the following junctions: A5 / A49 Preston Boats; A5 / A5064 / B4380 Emstrey; and A5 / A49 Bayston Hill (Dobbies). Development would not have a significant impact on the modelled SRN junctions at the time of opening.

Have reviewed the Air Quality Assessment (AQA). As the residential plots are not situated within close proximity of the A5, it is assumed that the impact of the SRN traffic would be negligible. The results of the AQA concluded that the development impact was negligible and below the National Air Quality Strategy Objectives.

Advise the proposed development could be allowed and have recommended the Council to impose a construction traffic management plan in the event that permission is granted.

**4.1.14 Environment Agency (EA)- Comments:**Flood Risk:

Site is located within Flood Zone 1: 'low probability' of fluvial flooding and comprises land which has a less than 1 in 1000 annual probability of river flooding. The River Severn lies to the immediate east of the site whilst a small ordinary watercourse borders the southern portion.

On the basis that the built development is solely within Flood Zone 1, no detailed comment upon flood risk matters. However, the EA welcome the comprehensive consideration of surface water management to ensure that the proposed development will not increase flood risk to third parties whilst offering benefits. EA note the submitted FRA has used the most up to date climate change guidance in considering the management of surface water.

Contaminated Land:

Based on the previous use of the site, EA has no comments to make with regard to contaminated land on this application.

Has offered informatives on water quality and foul drainage.

**4.1.15 SC Landscape Consultant - Comments:**

The Council appointed its retained Landscape Consultant to give advice at the pre-application stage before the planning application was submitted and on the original scheme submitted. The consultant confirms the application has generally taken on broad advice offered at the pre-application stage and supports the landscape strategy. She notes that the scheme has retained a lot of the existing planting where viable.

However, she advised that the initial application take account of the following additional aspects:

- To consider the information on the site in the Shrewsbury & Atcham Sensitivity & Capacity Study given that it could give pointers to a landscape strategy for the site and some guidance on landscape sensitivity;

- A full understanding of the landscape character including the Shropshire Historic Landscape Character Assessment and the Shropshire Historic Farmstead Characterisation to inform the landscape strategy;
- To consider views from the Shrewsbury Conservation Area, Listed Buildings & Longnor Hall Registered Park as well as Scheduled Monuments;
- To consider the site's overall visibility from much of the town and the Conservation Area to the west because of the intervening buildings and the topography; and
- To consider views from the A5 to the development.

The applicant has submitted an addendum to the landscape strategy addressing these points. The landscape consultant has reviewed this additional information and confirms that this addresses her requests and that there are no landscape/visual concerns that would justify a refusal.

Not necessary to condition the landscape proposals further but recommends that a condition be imposed to confirm a management plan for the public open space.

#### 4.1.16 **SC Waste**

No objection to the proposal based on revised plans. Has reviewed swept paths for refuse/ recycling vehicles.

#### 4.1.17 **Severn Trent Water**

No objections to the proposals subject to a condition controlling foul and surface water drainage.

#### 4.2 **Public Comments**

The scheme has been the subject of two rounds of consultation. The first in the spring of this year and the second in October when revised drawings and documentation was submitted. Comments on each round are set out below.

#### **Comments from the first round of consultation**

##### 4.2.1 **Shrewsbury Town Council:**

Does not oppose the principle to this land being developed but feel improvements to the proposals could be made. Would welcome a meeting with the developers and Shropshire Council Planning Officers to work together and discuss the plans in more detail.

Town Council concerns include:

- Density of the development too great and does not appear to have been designed with the beautiful surroundings in which it is situated in mind. For example, the affordable properties are inward facing and do not take in the scenic views.
- Elevational designs are unimaginative and could be improved and there is concern that due to the change in levels, they will be highly visible from across the fields by the river. Members would like to see alternative property types being considered such as assisted living properties.
- Phase 1 is expected to take 3-4 years, during which time all construction traffic is proposed to travel down Preston Street. This is a very narrow road

and whilst there has been agreement by the developers to upgrade and widen Column roundabout, there are no plans to widen Preston Street. In order to minimise disruption to residents, Members ask that the second access be opened during Phase 1 to accommodate this construction traffic.

- Regarding the second access, accessing London Road next to College would be preferable over access from Emstry roundabout. Disappointed that College's offer of land for sports facilities was rejected. Would encourage fresh discussions with the new Principal.
- Footpaths and cycle ways should link up to the existing network.
- No infrastructure to enhance community life in this development or other facilities such as play areas, adequate green space, community hall etc. The Public Open Space proposed needs consolidating to make a more usable space i.e. for a football pitch.
- For years there has been access to the River for all members of the public via a lane to the north of the site where the ferry used to be situated. Disappointed that the developers will block off this access leaving only access through the estate where parking is restricted.
- Urges developers, Councils, local sporting clubs and educational establishments to work together on this scheme as it has potential to satisfy all parties. Would welcome discussions about the management of the Public Open Space. Would not like to see the POS adopted by a management company.

4.2.2 A total of 34 letters of objection to the scheme and one petition with 88 signatures were received following the first round of consultation. The points made may be summarised as follows:

Principle of development

- Oppose any development on good agricultural land, have written to Minister of State for Agriculture with my objection.
- The number of dwellings planned at this site is excessive.
- The loss of this extent of agricultural land in what is a beautiful area is a mistake, especially when experts predict that we are facing a huge shortfall in farmland.
- Concerned that Planning Committee will be blinded by Council's commitment to providing 6,500 new houses in Shrewsbury Town by 2026 and will support the application without giving it the due consideration it requires.
- Developments planned for brownfield sites should be priority.

Highways and Traffic

- Ten years of fairly detailed debate led to the conclusion that Belvidere Road Bridge should be improved by adding a caged footpath slung on the outside of the bridge. (As this was the preferred choice of residents it should at least appear as one of the Council Planning documents). The only issue that remained was funding, hence the possible link to money from your development.
- Traffic lights have previously been discussed and discounted. They would require ongoing maintenance and additional ongoing revenue streams. Widening existing footpath would only reduce the possibility of schoolchildren



spilling onto road, not prevent it. Sadly, recent incident in Westminster has further highlighted the need to keep pedestrians and vehicles apart. When the lights are on green, the camber in the road for vehicle approaching the railway bridge from The Shirehall side would naturally take their vehicles over towards the wider footpath.

- Local councillors and residents worked tirelessly on Local Joint Committee to come up with a caged footpath solution. This would also mean removing the existing footpath on the bridge and widening the carriageway. Caged footbridges fitted to the outside of such bridges quite common in south of England and much cheaper solution in the long term than traffic lights.
- The only reason the scheme for new footbridge never went ahead was because, as Shropshire Council reported, 'it still sits low on the list of potential capital schemes and funding for such schemes is likely to be significantly lower in future years than it has been recently - Oct 2010'
- Belvidere Road traffic calming proposals are totally unnecessary as the traffic using Belvidere Road rarely exceeds 30mph. There are so many junctions, parked vehicles and turns in the road that vehicles rarely speed along this section. The measure suggested would only be put in place to deal with the expected increase in volume of traffic which I suspect will in itself further reduce the speeds along Belvidere Road.
- Shropshire Council did a traffic survey 2010 and presented it to Local Joint Committee. The spot check speed reading in the vicinity of the railway bridge showed readings that indicated the mean speed of traffic is in the order of 27.7mph towards Belvidere Avenue and 24.2mph towards Crowmere Road. Based on these readings SCC concluded that the speed limit is generally being adhered to.
- It is therefore requested that the proposal to add un-necessary traffic calming measures be removed from the Weir Hill proposal.
- Furthermore, it is requested that all funds that would have been directed at traffic lights and traffic calming now be directed to the provision of a separate pedestrian footbridge, fitted to the side of the railway bridge and incorporating a safety cage (even though a safety cage doesn't currently exist.) It was felt years ago and still applies now, that Network Rail would sanction such a proposal which has additional benefits for their operation.
- Object to the proposed entry road at the junction with Preston Street and Portland Crescent. This corner already a dangerous junction with many near misses happening. A junction out of the lane already there with full view of the road both ways would be much more appropriate.
- Channelling all traffic from this development on to London road would be safer and more sensible.
- Letting hundreds of delivery vehicles deliver the building equipment for these homes using Preston Street is wrong, when the access should be via the London Road where there would be no disruption to any homes at all.
- We have children going to school and playing outside on the Street, cars reversing off the drives of Preston Street, the narrow road and bottle neck at the bottom of Preston Street and all this delivery traffic will more than likely come down London Road anyway causing further unnecessary risk to the college students even if it was for the first phase.
- If the estate entrance was off London Road there would be no need for

unnecessary road calming measures on Preston Street and the widening of the start of Preston Street saving cost, the environment in this area and a rat run for the residences nearby.

- Not clear if Phase 1 construction traffic would access the site via Preston Street. Completely unacceptable for the residents of Preston Street to endure years of heavy construction traffic, in the event that access is not provided from London Rd for this Phase.
- Don't think London Road could/can cope with any more traffic, especially to another 600 + homes. Some mornings it takes over 5 mins to cross the road to take our child to school now. Traffic regularly goes over the speed limit.
- Due to the huge numbers of children and people with pushchairs, essential that you dedicate the existing bridge to traffic, with no traffic lights and put a footbridge alongside as there is plenty of space for this.
- Preston Street was not constructed to cope with traffic that will be generated. Second entrance/exit an absolute priority.
- There is also a proposed self-build site in the pipeline for 45 homes where the road in will be off London Road as well. The roads and Infrastructure cannot cope with these developments.
- The traffic flow on Preston Street towards the Column roundabout is already at maximum and any further volume would cause severe delays and congestion.

#### Impact on Neighbouring Amenity

- I had requested that plot 160 opposite my house was put further back from the fence and hedge when attending consultation event. Taylor Wimpey said this would not be a problem but it looks like nothing has changed. Although this house would be side on and not look directly at my house it will still stand taller than my house as my house is lower than Preston Street thus blocking natural light from my front window and a pleasant view. This could easily be addressed as there is plenty of space within the site of phase 1 to change it slightly.
- The disruption, noise, dirt and air pollution in one area should not have to be accepted by any residents.

#### Access to the Riverside Park

- Status quo access to the river not acceptable. Two options proposed. Either (1) the gravel Lane to be formalised (tarmac, drainage, traffic calming, signage etc) and formal car parking provided in the field at the end of the Lane within the proposed Country Park, or (2) a vehicular gate is installed, preventing vehicles from accessing the full length of the Lane, with a separate pedestrian gate so that footpath access is maintained. Our strong preference is for Option 2.

#### Design, Layout and Visual Impact

- Impact on existing cottages at Roberstford and Weir Hill Cottages. Should have at least 40m setback.
- Impact on rural landscape unacceptable.
- Poor mix of housing including flats.
- Direct overlooking between houses.

- Poor park and open space layout and orientation. No opportunity for play for a large community.

#### Drainage/ stormwater run off

- Development will cause substantially more runoff and concentration of flows.
- Proposed attenuation pond, with some banks above ground level, will be immediately visible from properties, substantially changing outlook and character of adjacent landform.
- Pond may form a public amenity (whether intended or not) immediately adjacent to properties, including potential safety issues  
Ponds may fail in future, causing potential loss of insurance cover for existing properties (as identified by insurers).

Owners can accept the attenuation pond if:

- No increase in height of structures or earthworks, nor adverse relocation or re-sizing.
- Agreed landscaping (and further security measures as deemed necessary by authorities) is conditioned to make sure that land surrounding pond not used for anti-social/ other purposes.
- Runoff from development area to be engineered to avoid any overland or subsurface flow onto properties at any point.
- Indemnity provided if insurance cannot be procured at reasonable rates if pond fails.

#### Infrastructure

- Shropshire Council Learning and Skills reports that the development of 600 dwellings will impact directly on the capacity of local primary schools of St Giles and Mereside along with Belvidere secondary school. The development is also likely to cause additional pressures on schools within neighbouring catchment areas.
- People who have just moved to the area are struggling to get school placements, not to even mention the impact on our doctors and dentists which are very difficult to get into now.

#### Biodiversity and Trees

- Very concerned about four young healthy oak trees that will be removed to allow for the splay at the junction. Would like to see TPOs placed on them, the same as the older trees next to them.

### 4.2.3 **Community comments on revised scheme**

At the time of writing, a further 28 additional comments have been received opposing the scheme as well as a number of emails sent to Cllr Hannah Fraser which she has forwarded on to the case officer. The objections raise many of the same points as before but the additional comments are to be reported to the Committee.

- Revised scheme does not address deficiencies in the scheme, has not gone

far enough.

- Development should not proceed until London Road access is provided. 250 home trigger before London Road access created unacceptable.
- No construction traffic on Preston Street. Unsafe access onto Preston Street. Loss of oak trees. Council does not have resources to enforce construction environment management plan (CEMP).
- Traffic survey flawed. One resident has done his own study. Impact of development on St Giles' school drivers' behaviour.
- Scheme will allow for a rat run from Telford Way to London Road.
- Principle of development wrong. Shrewsbury should grow up (high rise), not out. If housing on agricultural land, it should be kept to a minimum.
- Land unsuitable for housing – drainage/ sewerage/ water problems.
- Poor development - mix of housing does not allow for housing for low income, park only provided because of flood problems.
- Impact on schools/ GP waiting times.
- Providing a secure gate onto the river unacceptable.
- Consultation process poor. Not enough outreach. Council favours developers, needs to listen to electors and put people before profit.

#### 4.2.4 Cllr Fraser: Objects

- Length of time existing residents will have to endure construction traffic on Preston Street too long. Access to London Road should be built far earlier in the development, preferably before construction of the houses begins, but not more than 1 year into the development.
- Reduction in number of houses in Phase 1 welcome. However, if total number of houses remains the same, housing density in Phase 2 likely to be unacceptable.
- There is a lady living on Preston Street who suffers severe migraines and is highly sensitive to noise whose life is likely to be made unendurable by construction activities. This is another strong reason to build London Road access as soon as possible, and to change working proposed working hours.
- CEMP states there will be no deliveries between 8am and 9am or 3pm and 4pm. Afternoon school rush starts earlier as people get there early to park near school. No deliveries from 2:30pm would be better.
- CEMP states that work activities will begin at 7.30am weekdays and 8am Saturdays. Given the length of time that the site will operate for, this is very early. 8am weekdays and 9am Saturdays better for residents.
- Concerned CEMP not binding in planning terms; can this be listed on the planning permission as a document that must be complied with? It will need updating regarding delivery hours (section 6.3) and vehicle routes (section 6.5).
- Very concerned no pedestrian/cycle access to college grounds in Phase 1, which would greatly improve accessibility for residents to the educational and sporting facilities here. Permeability of development would be greatly improved by this access; it will be many years before access is made via Phase 2, and no guarantee this will happen at all.
- Lack of vehicular access to open space provision unacceptable. Nowhere for residents living furthest from riverside park to park their cars and use the

park, nor for any current off-site users to access the River. This is exacerbated by proposals to prevent vehicular access to River via existing Lane, by means of a gate. In short, proposals reduce and limit access for existing residents to enjoy the River.

- Existing access to the River should not be gated off to vehicles.
- Deeply concerned about lack of detail regarding riverside park area, and phasing of provision of this space. Without details of how the land is going to be managed it is not possible to assess impact on habitats and propose mitigation. The land is currently grazed; if it is going to be mowed in future, there may need to be a need to change the landform to enable management, potentially having a deeply detrimental impact on visual amenity and landscape value. If Phase 2 of development is delayed or in fact never goes ahead, the open space provision in Phase 1 is not sufficient as it is largely taken up with a SUDS pond. How will Phase 1 of the Park be delivered if Phase 2 is still being grazed? Far more detail on delivery of Phase 1 open space provision is required.
- Operation of the SUDS pond of concern given the reportedly high water table in the area, and poor slope stability at the site of the pond and towards the River. Full designs should be submitted along with supporting site investigation reports prior to construction.
- Proposals for amendments to Belvidere Bridge inadequate. Both proposals seek to narrow the carriageway, causing congestion and pollution for existing residents, and would be dangerous given the bend in the road when approaching from Shirehall side of the bridge. Visibility is really very poor. Pedestrian footbridge is only answer to safety issues, which are underestimated by the developer.

Cllr Fraser has also provided photographs of the Riverside area which show the special nature of the environment, habitat and landscape in this area, which she states are not sufficiently protected by the current proposals.

Cllr Fraser concludes the development should not be permitted under current proposals for the London Road access and Belvidere Bridge mitigation works. If these and the other matters outlined above can be resolved, would like to see the proposed planning conditions included with any planning permission prior to their being finalised.

## **5.0 THE MAIN ISSUES**

1. Principle of the development.
2. Whether the proposals constitute sustainable development.
3. Development of a green field site.
4. Impact on trees.
5. Impact on local infrastructure.
6. Impact on the character and appearance of the area.
7. Impact on residential amenity.
8. Impact on biodiversity and ecology.
9. Impact on heritage interests.
10. S106 planning obligation.

11. Other material considerations.

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of the development

6.1.1 The proposal needs to be considered against the development plan (Core Strategy and SAMDev) as well as the National Planning Policy Framework (NPPF). The NPPF is an important material consideration too in that it introduces the “presumption in favour of sustainable development” and sets out how Councils should determine planning applications. In terms of decision making, the NPPF advises that Councils should develop developments that accord with the development plan ‘without delay’ .

6.1.2 The Core Strategy establishes the County’s strategic policy, including setting the overall housing guideline of 27,500 dwellings between 2006 and 2026, of which 6,500 are planned for Shrewsbury as the county town and main focus for development.

6.1.3 The site is an allocation in the SAMDev Plan. Policy S16.1a allows for up to 600 new dwellings to be developed on this site, together with associated infrastructure. This policy sets out the following guidelines for development on this site:

*“Co-ordinated development of two linked sites with new footpaths/cycleways and bus route through the development with any connecting traffic route designed to control vehicular speeds and flows rather than being a direct route for traffic between London Road and Preston Street, maintaining existing public rights of way and improving public access to the River Severn through the site, and providing new riverside public green space and a well landscaped edge to the developed area:*

*(a) Land at Weir Hill Farm/Robertsford House, Preston Street –approximately 150 houses to be accessed off Preston Street, unless justified through a detailed, site specific transport assessment, subject to highway improvements to Preston Street and the Column roundabout, new open space to Preston Street and a landscape buffer to Sunfield Park;*

*(b) Land off London Road – approximately 400-450 houses to be accessed off London Road, with the preferred option for the access route being over land owned by the Shrewsbury College of Art and Technology between the College and the Crematorium, subject to the improvement of facilities, including parking, at the College. The alternative access route, if required, is over land owned by Shropshire Council with the junction with London Road being further south near to the A5 Emstrey junction opposite to Shrewsbury Business Park.”*

6.1.4 The proposals are for up to 600 dwellings which is consistent with the allocation having regard to its yield. Two developers are involved and the masterplan for the detailed element of the application covering the northern phase together with the outline phase to the south demonstrates a degree of co-ordination consistent with one of the overarching requirements of Policy S16.1a. Central to this is the provision

of an interlinking access route from London Road to Preston Street that provides for a bus route. The masterplan also includes a method of preventing other traffic from using the new road as a through route so that it will not be a rat run as some residents have suggested. This will be achieved by utilising a gate within the development that will only allow buses to travel through the whole development.

- 6.1.5 The development also meets other requirements of Policy S16.1a by maintaining existing public rights of way and improving public access to the River Severn through the site, and providing new riverside public green space and a well landscaped edge to the developed area with Sunfield Park to the east.
- 6.1.6 Policy S16.1a further expects future development of the site to provide limited access to the development from Preston Street. The policy stipulates that no more than 150 dwellings should be accessed off this street, subject to highway improvements to Preston Street and the Column roundabout. More than that figure may be appropriate but this should be justified through a detailed, site specific transport assessment. The applicant is proposing to use Preston Street to serve the majority of the development (353 dwellings) and a Transport Assessment has been provided but that the London Road access will only be built after the first 250 homes have been built. This exceeds the expectations set out in the policy. However, this matter is subject to a more detailed analysis later in this report.
- 6.1.7 Policy S16.1a also expects approximately 400-450 of the houses to be accessed off London Road, with the preferred option for the access route being over land owned by the Shrewsbury College of Art and Technology between the College and the Crematorium, subject to the improvement of facilities, including parking, at the College. The proposals do not propose serving this number of units from London Road and nor do they propose forming the southern access via the College grounds. Instead, they propose creating a new access and roadway across Council-owned land further to the south east. Policy S16.1a facilitates this alternative route should the preferred option not be available. The proposals are therefore only partially in accordance with this element of the policy.
- 6.1.8 It is concluded that the proposals are in general though not complete accordance with the allocation contained in the Development Plan. Subject to further assessment against other Development Plan policies and other material planning considerations, the principle of the development is considered to be acceptable.
- 6.2 **Whether the proposals constitute sustainable development**
- 6.2.1 Paragraph 14 of the NPPF states that the presumption in favour of sustainable development as defined by the Government should be seen as the 'golden thread' running through both plan-making and decision-taking. For decision-taking the NPPF states that this means that unless material considerations indicate otherwise development proposals that accord with the development plan should be approved. In this case the proposal is only partially consistent with the allocation contained in the Development Plan. It is for the decision maker to decide whether there are material considerations and/or additional benefits to the proposed development that would override this conflict with the adopted Local Plan.

6.2.2 The NPPF defines sustainable development as having three core elements, namely: economic, social and environmental. In more detail, these embody the following:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

6.2.3 These roles are mutually dependant and should not be undertaken in isolation. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

6.2.4 It is necessary, therefore, to consider the ways in which this proposal meets each of these three roles in order to reach a conclusion on its sustainability credentials.

6.2.5 In respect of the three dimensions to sustainable development in the NPPF, the delivery of housing is a contributor to economic growth. The proposals will fulfil a social role by delivering a mix of affordable and open market housing to meet current and future needs with a range of tenures. There are environmental issues that are affected by the proposals, however, which weigh against the sustainability credentials of the scheme, although some mitigation is proposed that will redress the balance.

#### **The Economic Role**

6.2.6 The proposed development would be likely to deliver some economic benefits. These include:

- new homes bonus
- council tax receipts
- local expenditure by new residents
- construction jobs and supplies
- maintenance jobs for the public open space (POS).

While these are not especially significant in themselves and are to be expected with any major development, they have to be taken into account when considering whether the development represents sustainable development as defined in the NPPF.



### **The Social Role**

- 6.2.7 Paragraph 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities.
- 6.2.8 The development will deliver the following social benefits:
- social housing
  - recreational areas and equipped play areas that provide opportunities for new residents to interact with one another
  - a network of footpaths and cycleways that link the development to the riverside and town
  - contributions towards upgrading local schools
  - highway improvements
- 6.2.9 Phase 1 of the proposed development would provide 353 dwellings of which 71 would be affordable representing provision of 20%. Policy CS11 of the adopted Core Strategy seeks a contribution of 20% in this location, and this would be consistent with it. Phase 2 will deliver a 33% affordable housing contribution. These contributions will be secured via a S106 obligations. The provision of a level of affordable housing that exceeds development plan policy is a significant factor in favour of the application, as it contributes to the social dimension and role of the development. There is a clear need for affordable housing in Shrewsbury and the site provides an opportunity to deliver this in excess of policy which has not always been possible on brownfield sites in Shrewsbury, and if the Council is to meet its needs for housing, the current site is liable to be a key element in that delivery. This benefit should be given significant weight in the planning balance.
- 6.2.10 The provision of public open space is required by policy and the applicant is offering the following:
- riverside park
  - network of interlinked open space and green wedges
  - equipped play areas
- 6.2.11 The total area of public open space (approximately 14 hectares) constitutes nearly half the application site. This is more than adequate in terms of area relative to SAMDev Policy MD2. However, the type of provision is not considered to be especially usable for all types of recreation as the Riverside Park occupies a sloping site (steeply sloping in parts), which limits its usefulness for anything other than walking and informal/ passive recreation. It could not, for example, be used for ball games. In fact, there is little open space within the masterplan that could realistically be used for those purposes.. There are other areas that could be used for more formal recreation but these are relatively small and located close to a house which also restricts their practical value
- 6.2.12 The public open space is to be provided contemporaneously with the residential development so that residents have almost immediate access to outdoor recreational facilities. The exception concerns the Riverside Park. This will be

delivered in stages to reflect the two phases of the overall development. The open space will also have to be managed and maintained and this will either be through a specialised management company or through Shrewsbury Town Council. Precisely how this will be delivered will be secured through a S106 obligation.

- 6.2.13 The Council's Learning and Skills have reported that a development of this scale will have an impact upon the availability of local schools to absorb the potential number of school-age children resident on the development. This impact will be captured through a s106 agreement too.
- 6.2.14 The social benefits likely to flow from the development carry a degree of weight, mainly in relation to the increased level of affordable housing which is above the minimum requirement set out in the development plan and the contributions towards local educational establishments. The public open space is more limited in value by virtue of how it is to be provided and its layout.

### **The Environmental Role**

- 6.2.15 The proposed development concerns a substantial open site within the countryside. Therefore, the physical intrusion/encroachment of the development into the open countryside and its effects upon local visual amenity are particularly important considerations in respect of the environmental role of sustainable development. However, the proposal is an allocated site in the adopted Local Plan and the development plan therefore anticipates and supports a significant incursion into the countryside on the edge of Shrewsbury. Notwithstanding this, it is appropriate to consider whether this is an acceptable incursion. Having regard to the environmental role of sustainable development, consideration is given here to the development's: (i) design, layout and scale and (ii) impact on landscape. The report covers ecological and habitat issues in more detail later on.

### **(i) Design, Layout and Scale**

- 6.2.16 Paragraph 58 of the NPPF on good design advocates optimising the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. The NPPF seeks to improve and enhance places where people live. This national policy is reinforced and expressed locally in Core Strategy Policy CS6 and SAMDev Policy MD2.
- 6.2.17 The masterplan for Phase 1 shows how the site is proposed to be developed for 353 of the 600 new dwelling houses. This includes detailed routes of the spine road and secondary roads and culs-de-sac that serve distinct development parcels. There is a mix of house types proposed by each of the two development partners, ranging from two bedroom terraced units up to substantial five bedroom detached houses, predominantly around the edges of the site. The house types are traditional in appearance and form. The materials also reflect the neighbouring residential areas and are dominated by red brick and concrete roof tiles. The original scheme and particularly the south western element of the Phase 1 had some shortcomings with long seas of car parking and limited planting in front gardens. This has been addressed by reducing the overall yield by 13 homes and the submission of a detailed planting plan. The highway authority is now generally content with the

latest layout drawings in terms of dealing with traffic flow and pedestrian and cycling movements within the site.

- 6.2.18 Policy S16.1a requires a substantial landscaped buffer to be provided along the western side of the development where it faces Sunfield Park. The masterplan shows a wide area of public open space (up to 30m in width) along this edge with an indication for whip planting and grassland. This is an acceptable interface. A further initial concern was the treatment of the edges to Robertsford Farm in the centre of the site. The amended drawings received now show the perimeter of Robertsford House to be free of encroachment by new development with open space buffers provided all the way around the site.
- 6.2.19 The overall density of development is around 16.34 dwellings per hectare (dph). This rises to 18 dph if the access road onto London Road is taken out. The density of the residential precincts range from around 25 dph to 30dph. This is broadly acceptable taking account of the parameters in Policy S16.1a including the requirement for a buffer with Sunfield Park.
- 6.2.20 Details of design, layout and scale in Phase 2 would be considered as part of any reserved matters application. The masterplan for this phase merely indicates the routing of roads through potential blocks of development as well as the continuation of the Riverside Park. The indicative plans demonstrate that the site could accommodate residential development of the scale proposed.

**(ii) Landscape**

- 6.2.21 The application site is an allocated site for residential development in the countryside on the edge of Shrewsbury. Merits around its loss as agricultural land are implicitly understood following the inspector's decision to allocate the site for housing. There is an expectation that the form and use of the site will change.
- 6.2.22 The northern and western parts of the site are relatively flat, bordered by hedges and laid to arable cropping. The eastern side slopes down towards the River Severn and contains a number of mature trees. The southern end undulates towards the boundary with London Road and the crematorium. The northern areas are relatively open to view from Preston Street and the access lane leading into Robertsford House. There are also views from across the river along the bypass and from the college grounds and crematorium.
- 6.2.23 Policy CS6 sets out sustainable design and development criteria intended to influence the form of new development so that it respects and enhances local distinctiveness. Bullet point 4 of CS6 requires new development to protect, restore, conserve and enhance the natural, built and historic environment. It should also be appropriate in scale, density, pattern and design taking into account the local context and character and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies.
- 6.2.24 A key evidence document in support of Policy CS6, concerning the assessment of the landscape impact of the proposal, is the Shrewsbury and Atcham Landscape

Sensitivity and Capacity Study (2007). This is specifically referred to in the Core Strategy and resulted from a commission in respect of a landscape sensitivity and capacity assessment for defined areas around the main settlements of the former Borough. It also provided an information source in support of the local development framework. Overall, the study found that there were different patterns of sensitivities around Shrewsbury compared to the other settlements, with the latter being generally more sensitive and with less capacity for development. Areas of higher sensitivity and lower capacity have tended to be those of intrinsically higher value or in open countryside, associated with conservation areas or listed buildings, in valley corridors, on steep or prominent slopes or those forming gaps between settlements.

- 6.2.25 The application site is made up of two separate land parcels or zones identified in the Study. The northern part, which includes both Phases 1, 2 and the land to the north of Preston Street, lies within Shrewsbury Zone 08. The route of the link road to London Road to the south of Phase 2 lies within Shrewsbury Zone 07. The Study describes the landscape sensitivity of Zone 07 as being High/Medium:

*“The area forms a prominent steeply sloping valley side to the River Severn forming the skyline when viewed from the valley floor where the Severn Way PROW is located. The area has a rural character of rectilinear pastoral fields have low hedges or fences and there is a prominent woodland to the south which forms an important visual focus close to the bypass which overlooks the area from an elevated position. There are detractors including the power line and sporadic development to the east but these are minor in comparison to the function of the area as an important green corridor adjacent to the river. Though there is a flat area to the south and west this area forms the setting to a road approach to the town from the bypass and care is required on how to treat this sensitively to minimise impact on the roundabout and respond to landscape treatment to the south west.”*

- 6.2.26 In terms of housing capacity, it describes the area as having a Medium – Low capacity:

*“The area has very little capacity for housing. The only location where this may be acceptable is in the south western corner of the site west of the power line. No development is acceptable on the slopes running down to the Severn or affecting the skyline when viewed from the valley floor.”*

- 6.2.27 As this is the location for the link road and not any residential development, subject to design and landscaping, it is possible that the road itself could be accommodated without adversely affecting the overall sensitivity of this Zone.

- 6.2.28 The Study describes the landscape sensitivity of Zone 08 as being High/Medium:

*“The area comprises of farmed valley sides sloping down to the River Severn with scattered farmsteads and dwellings, a mix of arable and pastoral land and woodland. One of the farms has a small caravan park. The Severn Way runs adjacent to the river and links into a public right of way running into the settlement. The most sensitive part of the area is the river corridor and*

*adjacent land and views from this towards the settlement. This area to the east is of high sensitivity.”*

6.2.29 In terms of housing capacity, it describes the Zone as having a Medium capacity:

*“The area has some capacity for housing to the west. The opportunity to improve the settlement edge should be taken but importantly development should not impinge on the skyline when viewed from the valley floor. Any new settlement edge should be indented with significant tree cover to visually break it up. It is also important that farming is still viable on the area that is left so that an appropriate rural fringe is maintained as the setting to the valley and to the town. A strong development brief in this area would be essential.”*

6.2.30 Sensitivity is taken to mean the sensitivity of the landscape itself, irrespective of the type of change which may be under consideration. Capacity is taken to mean the ability of a landscape to accommodate different amounts of change for a development of a specific type, such as housing. The landscape sensitivity of Shrewsbury Zone 08 (the one that incorporates the majority of the development) is categorised as being High-Medium, the key characteristic of which is a landscape vulnerable to change and/or has high value as a landscape resource. It is considered to have a medium capacity to accommodate housing development, which means the thresholds for change are intermediate with some ability to accommodate development in some parts.

6.2.31 Although the Capacity Study was published in 2007, the depth of analysis carried out in respect of that document and the fact that little has changed ‘on the ground’ within the area means that it remains valid for the purposes of assessing the landscape value and sensitivity of the site. This backdrop has informed the current adopted Development Plan. The site has been allocated for new development but, the allocation does not present itself as a detailed ‘development brief’ for the area. There remains an expectation that any new development will take into account the features and characteristics of the site identified in the Study and that these in turn will influence the form of development proposed.

6.2.32

- The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) and a supplementary report both of which have been critically evaluated by the Council’s retained Landscape consultant. In general terms, the Landscape Strategy for the development appears to have several positive attributes.

6.2.33 Insofar as the landscape proposals for Phase 1 are concerned, the Landscape Consultant considers the following to be positives of the strategy:

- The retention of the existing trees, hedges and woodland;
- Introduction of new native hedgerows in appropriate places, including some 720m length along the western margin of the new spine road
- Retention of key views of the landscape from within the development towards existing natural features such as trees, the River corridor and open fields and hills beyond the development edges;
- The introduction of a defined street hierarchy defined with distinctive planting;
- Planting of low native hedges to demarcate front gardens and side

boundaries;

- Encouragement and protection of wildlife interest on site and create ecologically enhanced area with wildflower meadows;
- Enhancement of existing ecological corridors and restoration of any lost connections;
- Improvement and enhancement of all boundaries that are facing outwards from the site to provide an improved and enhanced settlement edge to the eastern portion of Shrewsbury.

6.2.34 Boundaries are shown on the planting plans to be enhanced with the planting of native woodlands, hedges and trees. A significant length of new native planting is shown along the western margin of the new spine road.

6.2.35 The Landscape Consultant acknowledges that the Shropshire Wildlife Trust has contributed to the Landscape Strategy. Part of the proposed Riverside Park is part of a locally designated Shropshire Wildlife Trust site. The detailed proposals take account of this guidance and advice, in particular new planting to contribute to the ecological enhancement of the river corridor; incorporation of existing trees and hedgerows to form core elements of green space within the development, and new footpath provision to enhance east-west connectivity with the existing riverside path.

6.2.36 Significant detail has been supplied in respect of plant species, sizes, spacing, method of protection and planting substrate/cultivation in the Landscape Strategy relating to Phase 1 and it is recommended that any conditions relating to the landscape proposals of the full application need relate only to soil handling and storage, the timing of implementation of landscape works and making good of any failed planting.

6.2.37 In respect of Phase 2, the applicants recognise that landscape details will be considered at reserved matters stage, specifically that 'subsequent reserved matters applications would be submitted for the design and layout of the proposed homes in this part of the site, the landscaping of the site including the southern phase of the riverside park, as well as the future proposals for sustainable drainage for this phase of the development'. Given that the applicant has prepared an appropriate landscape strategy it would not appear necessary to condition the landscape proposals for the Phase 2 part of the application.

6.2.38 The proposed development will alter the existing character of a currently undeveloped arable parcel of land, suburbanising the rural environment by introducing new built form, lighting and additional residential paraphernalia. Nevertheless, this is to be expected especially as the site has been allocated for development. The key to ensuring successful integration into the environment is through good quality design of buildings, layout and landscaping. Subject to these, the development is capable of meeting the requirements of Policies CS6 and CS17 of the Core Strategy and MD2 and MD12 of the SAMDev Plan.

### 6.3 Development of a greenfield site

- 6.3.1 The NPPF states as one of its core planning principles at paragraph 17 that effective use of land should be encouraged by re-using land that has been previously developed. Although there is no indication that green field sites are unsuitable for development as such, there appears to be a steer that brown field land should be the preference for new development.
- 6.3.2 That being the case, this site and its development have to satisfy normal planning considerations in order to be considered 'sustainable', and the Government emphasises the need for decision takers to consider the policies contained in the NPPF as a whole.
- 6.3.3 The local and national framework of planning policies, whilst supporting new residential development where needed and in appropriate locations, leans towards avoidance of new development in sensitive locations where the environmental impacts outweigh the social and economic benefits of the proposals.
- 6.3.4 However, the development of this green field site b has been the subject of assessment earlier whilst the SAMDev Plan was being composed including with Natural England as a Duty to Cooperate body. The site is now an allocated one for development and the principle of its development is acceptable.

### 6.4 Impact on trees

- 6.4.1 Most of the site is arable countryside but the site also contains a number of mature trees and hedgerows within and around its boundaries. Those located within the northern and eastern parts of the site are particularly prominent owing to the open and flat character of the arable field and the elevated site above the Severn Valley. There are other important mature trees and hedges traversing the site, especially around Robertsford House. These are distinctive features in the local landscape. The Masterplan and Landscape Strategy state that the majority are to be retained, apart from areas where new accesses need to be formed.
- 6.4.2 The Council's Tree Officer is broadly content that the revised scheme has addressed her comments with regard to protecting existing trees and the provision of new native planting. One outstanding matter of concern remains, namely the insertion of an internal road between T147 and T148 and the potential long term harm to these trees. This is a minor design deficiency and not one which would justify the refusal of planning permission when considered in the whole as the tree officers concern is more about the subdivision of the space than any physical impact on the retained trees. All development falls outside the root protection area of these trees.
- 6.4.3 Overall, the proposed development would not be inappropriate in respect of its impact upon trees and hedgerows, subject to final layout and design. It would be in general accordance with the provisions of Policy CS17 of the adopted Core Strategy and MD12 of the adopted SAMDev Plan.

## 6.5 Impact on Local Infrastructure

### **Transport connections and Public Rights of Way**

- 6.5.1 Policy CS6 of the Core Strategy states that new development should accommodate additional traffic safely and make appropriate provision for access to public transport and other alternative means of transport to the car. Policy CS7 commits the Council to deliver a sustainable pattern of development including the strengthening of local cycling, footpath and bridleway networks.
- 6.5.2 Paragraph 32 of the NPPF states that decisions should ensure safe and suitable access to the site can be achieved, opportunities for sustainable transport modes have been taken up and improvement can be made within the transport network that cost effectively limits the significant impacts of the development. The NPPF clarifies that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'*. Paragraph 34 of the NPPF states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. For larger scale residential developments in particular the NPPF advises that planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties
- 6.5.3 Highways England (HE) is responsible for the trunk road network, including the A5, and HE has used its own consultants to assess the submission. HE is satisfied about its impact on the strategic road network and subject to a planning condition being attached to any grant of permission.
- 6.5.4 In terms of the local highways impacts, the Council's highways officer had some initial concerns but finds that the scheme is acceptable in principle. The highways officer's detailed comments on the transport assessment; construction traffic issues; and the assessment of traffic calming measures are set out below.
- 6.5.5 **Transport Assessment (TA):** - the scoping of the TA was discussed and agreed prior to the formal planning submission. Within the TA assessment, the technical work on trip rates, trip distribution and growth is considered acceptable by the highways officer and the comparison work undertaken with actual trip rates from the Heron Gate development helpful. The junction capacity work provided within the TA is considered sound. The TA shows that Reabrook Roundabout will be over theoretical capacity (0.85 RFC) with and without the development. However this junction has since undergone capacity and pedestrian/cycle facility improvements. Following the completion of the Reabrook roundabout improvements the roundabout is noticeably operating more efficiently and therefore is not a concern within the overall TA assessment. Overall the TA is considered to be robust and it is not considered that a highway objection based upon traffic capacity grounds would be sustainable.



- 6.5.6 It is accepted that the development could attract additional through traffic. Some existing residents in the immediate vicinity of Portland Crescent may choose to travel through the development to access the southern end of London Road, rather than travel via Preston Street and the southern end of London Road. However, the distances, circuitous alignment of the main spine road and journey times involved would not make the route through the site attractive to those current traveling south from the column roundabout to re-route via the development to access London Road. Similarly travellers from Crowmere Road and further north would be unlikely to re-route via the site (and Belvidere Road / Portland Crescent) to access London Road.
- 6.5.7 A number of local facilities are over 1km walking distance from the site. However, whilst good amenity provision does help to support the take up of longer walking journeys the accessibility of the site by sustainable modes could be significantly improved, by securing additional linkages to London Road. The provision of segregated internal pedestrian routes on the site is welcomed but any amenity advantage would be cancelled out by the sense that residents would have some distance to travel either north to the Preston Street frontage or south to the London Road access before they could “get anywhere”. This will need to be considered further as part of Phase 2, where it is understood there is the potential to provide pedestrian/cycling linkage to the Shrewsbury College.
- 6.5.8 **Construction Traffic** - when this site was being considered as part of the SAMDev housing land allocation, limited development off Preston Street was considered appropriate although this was not based upon any transportation work being carried out to support this position. The TA has therefore clarified this position in providing an evidence based approach, the findings of which the highway authority have accepted as stated above. While the TA does not identify any specific highway capacity issues relating to the development of 365 units off Preston Street (*subsequently reduced to 353 dwellings*), no consideration has been given to the amenity impact of the construction traffic. This is considered to be a material issue but allied also to the delivery of the secondary access to London Road as part of the access strategy for this site coming forward within the SAMDev housing land allocation. The highway authority support the position of limiting the number of housing units coming forward as part of Phase 1 before the completion of the spine road and formation of the new junction onto London Road. In relation to construction traffic using Preston Street as part of Phase 1, the highway authority have discussed the provision of widening of Preston Street along the length of road outside the Terraced houses and opposite the Shirehall building. This is where on-street parking is present without any parking restrictions, which acknowledge the long term historic parking demand for those properties. The highway authority both require and is accepted by the applicants that the Preston Street widening works would be constructed prior to the development of Phase 1 commencing.

- 6.5.9 The applicants have responded to the housing limit number being placed upon Phase 1 being solely served via Preston Street by promoting a maximum of 250 housing units at which point the secondary access onto London Road will need to be constructed. The applicants have set out their rationale for reaching this figure and is supported by the highway authority given the level of infrastructure work that will be required to fully design and build the spine road out to London Road and ghost island junction. There are clearly benefits to the early delivery of the secondary access to London Road in establishing routing between occupied properties of Phase 1 gaining access and egress to and from Emstrey roundabout, removal of all development construction traffic from Preston Street. In addition, it would provide potential benefits in the building out of the remaining 100+ dwellings of Phase 1 with removal of construction traffic impacting upon new housing occupiers as the development footprint moves back towards the Phase 2 land boundary.
- 6.5.10 Both developers anticipate a build out rate of 50 residential unit each per year, i.e. 100 a year. That would suggest completion of the first 250 dwellings of Phase 1 within three years and therefore prior to the completion of the spine road and junction onto London Road. Based upon current property sales in Shrewsbury the build out rate suggested appears reasonable and therefore gives a degree of timeline certainty when the connection to London Road will be made.
- 6.5.11 **Traffic Management / Calming Measures** - the Phase 1 housing delivery will include traffic calming being introduced along Preston Street having regard to its straight road alignment and increase in traffic numbers. These works must be carried out following the completion of 250 dwellings and the removal of construction traffic. The works along Portland Crescent could potentially occur earlier. The calming works include the main access to the site off Preston Street as a 'Tabled' junction type with contrasting surfacing. Again it is recommended these works be completed once construction traffic is removed from Phase 1 as that is when the requirement arises.
- 6.5.12 The issues surrounding the movement of vehicles and pedestrians across Belvidere Railway Bridge are longstanding. The carriageway width is constrained and the footway unsatisfactory. The combination of the constrained carriageway and footway therefore raise pedestrian safety issues and is currently likely to be a deterrent to pedestrians using this route. This is particularly relevant to more vulnerable pedestrians with the acknowledged pedestrian desire links to schools and other facilities. The applicants were required to consider this issue following pedestrian surveys being carried out. These surveys indicate a strong pedestrian desire line across the railway bridge notwithstanding its constraints. It is recognised that widening of the carriageway across the bridge deck and a separate footbridge is one of the locally favoured options. Such an option could potentially be

counterintuitive by encouraging more vehicle traffic across the railway bridge, where the highway authority would wish to see a reduction or 'status quo' in traffic movements. The applicants have therefore promoted two potential options of delivering a priority single flow traffic management scheme, one of which could be signal controlled. The applicants have agreed that this would be a matter for Shropshire Council to progress via the appropriate design considerations and consultation, with the applicant funding these works secured through a S106 agreement.

6.5.13 **Travel Plan** - The Travel Plan promotes sustainable travel patterns and includes a number of initiatives supported by officers. However, given the scale and location of the development there are few improvements which should be made. The importance of 'getting in early' with prospective buyers cannot be over stated. Specific detail on how the development proposes to action this, together with the overall quality of the material distributed to residents will be critical to the Plan's success.

6.5.14 The Travel Plan will need to be considered further as part of the commitment within the Section 106 based upon the above comments, acknowledging also that the Travel Plan will be a 'live' document that would change over time once in place. It will have regard to how the travel plan will be "sold" by sales staff; promoting events to shift transport mode; confirming travel plan targets through initial travel survey results; showing how and where cycle parking will be provided. It will also be necessary to monitor the travel plan and this has been included within the heads of terms of a s106 agreement.

#### **Protecting Public Rights of Way (PROW) and promoting other forms of transport**

6.5.16 There is a PROW (FP UN12) that currently traverses the northern part of the site along the lane that becomes Preston Street to the west. The applicants have indicated this will be retained and pedestrian access and maintained to the river along this route. This lane also provides limited vehicular access to the three dwellings to the east and this will also be maintained. It is currently proposed to control this by incorporating gates partway along the lane. The Council's PROW team welcomes the proposals to retain and maintain this path which forms an important local access to the riverside where it links into the Severn Way footpath that runs along the eastern edge of the proposed Riverside Park.

6.5.17 Within the development there is a new network of footpaths and cycleways that will link the various parcels of the site with the pathways and cycleways outside the site. Some of these may need to be adopted and placed on the Highways map to protect the routes for the future. This is something that will be subject to a separate process outside the consideration of this planning application.

**Flood Risk and Drainage**

- 6.5.18 The NPPF is concerned that the planning system should play a central role in combatting climate change and its effects, including alleviating the risk of flooding. The Government published a Technical Guide on flooding that accompanied the NPPF in 2012. Section 10 of the NPPF, relating to climate change, flooding and coastal change, and steers inappropriate development away from areas at risk of flooding. A sequential test should be applied to the location of development to avoid risk where possible and manage any residual risk.
- 6.5.19 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance.
- 6.5.20 The proposals have been considered by the Council's Drainage Team. A flood risk assessment was submitted as part of the application together with a drainage strategy. The site lies within Flood Zone 1, which is the zone least susceptible to flooding. In summary, they have no objections to the proposals subject to submission of a more detailed drainage scheme based on sustainable principles and a full flood risk assessment based on Shropshire Council's Strategic Flood Risk Assessment (SFRA), concurrent with a future reserved matters application. The submitted flood risk assessment demonstrates a commitment by the applicant to these principles. Subject to suitable conditions, there is no objection to the proposed
- 6.5.21 development on either drainage or flood risk grounds.

Some residents and Cllr Fraser have queried the design of the balancing ponds and swales. The design of these features will be addressed as a condition pursuant to the grant of planning permission. The need (or not) to indemnify neighbours is a civil matter for the applicants to consider. It is not a land use planning matter.

**Land Contamination**

- 6.5.22 The NPPF places significant emphasis on minimising pollution risks and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any remediation proposals. Policy CS6 of the Core Strategy requires all development proposals to take proper account of potential hazards and to undertake necessary remedial measures to ensure that development is safe. The site is in use as arable/pastoral fields with no history of any other use. Apart from agricultural run-off it is unlikely to present a pollution risk. There is no objection to the proposals on contamination grounds apart from the demolition of buildings on the site.

**Affordable Housing**

- 6.5.23 Policies CS9 and CS11 of the Core Strategy require the provision of affordable housing either on the development site or, where appropriate, as an off-site financial contribution. The SAMDev allocation sets the affordable housing contribution on the site at 20% which the applicant has committed to deliver and is policy compliant and affordable housing at a rate of 33% across Phase 2.

6.5.24 The housing officer has considered the proposals and advises that the level of contribution is considered to be broadly acceptable. The final provision of affordable housing across the whole of the site will be addressed via a S106 legal agreement.

### **Education**

6.5.25 Both the NPPF and the development plan seek to ensure that infrastructure is provided to ensure that the impacts arising from the development are addressed.. This includes provision of adequate education facilities.

6.5.26 Shropshire Council Learning and Skills team reports that the local primary and secondary schools are at capacity and forecast to remain that way for the foreseeable future. It is therefore essential that the developers of this and any new housing in this area of town contribute towards the consequential cost of any additional places/facilities considered necessary at those schools. The contribution towards improving local education facilities is estimated at around £2.83m but the actual sum will depend on the final mix of houses. This will be secured via a s106 agreement and will be targeted to local schools where the need is greatest.

### **Public Open Space**

6.5.27 The NPPF (paragraph 73) states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The NPPF advocates that policy should be based on robust and up to date assessments of need. The Council has carried out such assessments; Open Spaces Assessment (2011) and the Playing Pitch Strategy (July 2012).

6.5.28 The scheme provides substantial areas of open space within the development, including the Riverside Park. These include formal play areas and informal spaces that include pathways and cycleways adjacent to the balancing ponds, the river and a number of green space within the site. The precise details of future landscape management will be confirmed through the S106 agreement.

6.5.29 The play space does not provide for football pitches or other team play. While this may be considered a shortcoming in the scheme given the size of the development, it is not an overwhelming one, given the proximity of the site to Shropshire College's facilities..

6.5.30 The provision of play equipment within the estate would have to be through the use of Community Infrastructure Levy (CIL) receipts.

### **Impacts on other infrastructure**

6.5.31 Some local residents have referred to the impact of this development on other services such as GP provision and have queried the absence of any community facilities on site. The site is within walking distance of a range of civic and other facilities. The nearest GP surgeries are at Bevidere Road, Sutton Road and Monkmoor Road. This proximity to infrastructure would have been taken into account by the planning inspector when the site was allocated for housing in SAMDev. Moreover, Policy S16.1a does not require the applicants to make provision for other community infrastructure on site in the way that other larger

SAMDev allocations - termed Sustainable Urban Extensions – are obliged to do. Finally, the site will be designed to be connected to a bus route in time to come to help people reliant on public transport to access essential services.

## **6.6 Impact upon the character and appearance of the area**

6.6.1 The report has already considered the impact of the development on the landscape. In general terms, the introduction of built development into a greenfield location will inevitably change its character albeit the proposal will see the undergrounding of existing overhead power cables.

6.6.2 The masterplan accompanying the application shows the use of development in blocks separated by landscaped areas to define key spaces and create a clear definition between public and private realms. A network of interlinking open spaces, including playing pitches, allotments and children's play areas is proposed. These will be complemented by informal landscaped areas including balancing ponds and new habitat creation areas. The heart of the new neighbourhood will be defined by a formal park, higher housing densities and slightly taller building heights but the development will appear suburban in appearance.

## **6.7 Impact on residential amenity**

6.7.1 Policies CS6 and MD2 require new development to respect their surroundings to ensure it does not cause unreasonable effects upon the character of area. Part of this approach is to ensure that the amenities of occupiers of existing development are also taken into account.

6.7.2 The site is close to existing residential development located opposite on Preston Street. In addition, there are other residential properties that lie within and around the site that have the potential to be affected. These include the following:

- Houses on Sunfield Park
- Houses on the north side of London Road
- Robertsford House and curtilage
- Robertsford Cottages and Weir Hill Cottage

6.7.3 The Phase 1 masterplan has been developed over time and responds to some concerns raised by some community comments taking account of the presence of existing residential development. It is also informed by the guidance contained in Policy S16.1a.

6.7.4 In respect of Phase 1, the edges of the site are shown either to retain existing planting or are to be planted up with additional hedges and trees. The built edges of the site are set back from the boundaries. In the north, facing Preston Street, there is a separation distance of at least c.30 metres between the new dwellings and the front building lines of existing dwellings. Due to the shape of the site, this distance increases further to the east. The majority of existing frontage hedges and trees are retained and where none presently exists new planting is proposed. In addition, the north western area of the site contains a wide area of public open space that

provides an additional buffer zone protecting residential amenity further.

- 6.7.5 Sunfield Park to the west is separated from the application site by a wall, hedges and trees. It is a lower density form of development comprising substantial detached dwellings set in expansive plots. Two of the properties are arranged end-on to the application site whereas several others face it across rear gardens. Sunfield Park is unusual in that it is bordered north and south by playing fields so that it effectively projects eastwards compared to other development arranged along this side of London Road. A landscaped buffer has been provided that addresses this relationship and the immediately adjoining residential precinct on the south western corner of the site has been revised since its first submission to reduce yield.
- 6.7.6 Robertsford House lies outside of the application site but is enveloped by the new development. This site comprises the original detached dwelling house and a range of traditional outbuildings. It also includes a substantial modern barn in commercial use. These are all to be retained as they are not within the application site. Part of the site includes several buildings which now lie within the development site and which are scheduled for demolition. The site is largely surrounded by a mature hedge, which will be retained and supplanted by additional landscaping. The masterplan shows areas of public open space around the northern, eastern and southern part of the curtilage with footways, cycleways and part of the spine road approaching the site from various angles thereby allowing views towards the site. This is broadly acceptable.
- 6.7.7 The other dwellings potentially affected by development on Phase 1 are located to the north east on the lane leading towards the River Severn. Weir Hill Cottage and no's 1 and 2 Robertsford Cottages are situated to the east of the eastern edge of the development at a level below the application site on land that is sloping towards the river. These properties have notably long rear gardens that extend southwards towards a rear boundary lined by thick hedges and mature trees.
- 6.7.8 Weir Hill Cottage and 1 Robertsford Cottage are the two houses most directly affected by the built development proposed in this area of the application site. Both properties share a side boundary with the development site and are set approximately 2m lower than the nearest proposed dwellings proposed to the west. There are habitable windows facing west in the two dwellings too and there is potential for the new development to cause overlooking and general loss of amenity for the existing occupiers. In the revised scheme, the nearest houses in Phase 1 are over 30m away and this is an acceptable relationship. The insertion of additional tree planting and the retention of existing planting on the shared boundary will protect the living conditions of the occupants of these houses.
- 6.7.9 However, there is potential for noise and disturbance arising from more formal use of the new Riverside Park to all three dwellings. In addition, one of two balancing ponds is to be sited south of these properties. It is at a lower ground level and located approximately 38m away from the property boundaries, which will be subject to additional planting. There will be public access available within this area and it is considered important that this planting is adequately dense at this location and of a type that deters people from approaching the dwelling boundaries. This can be



secured via a suitable landscaping condition. One local resident has suggested that the existing lane to the park be kept closed. This matter will be reviewed again via a planning condition to confirm management of the Riverside Park. Officers will consult with the affected residents of 1 and 2 Roberstford Cottage and Weir Hill Cottage on the final management layout.

- 6.7.10 The other group of dwellings potentially affected by this development are to the south along London Road. However, these are only likely to be indirectly affected by noise from the southern edge of the proposed link road where it leads up to its junction with London Road. Bearing in mind the substantial separation distances involved and the relief of the land it is not considered that there will be any adverse effects.
- 6.7.11 As it stands, there is no reason why the development could not be finally designed and completed in a way that provides satisfactory amenity for existing and proposed residents, in accordance with Policies CS6 and MD2.

## 6.8 Impact on Biodiversity and Ecology

- 6.8.1 The NPPF places high importance on protection of biodiversity interests and new development should minimise impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment. Core Strategy Policies CS6 and CS17 require development proposals to respect the natural environment of Shropshire and its biodiversity interests. Policy MD12 of the SAMDev, amongst other matters, encourages development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition. Development should minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.
- 6.8.2 The site contains a number of natural assets in the form of mature trees, hedgerows, a small watercourse, a pond feature and the area of hillside that runs down to the banks of the River Severn. Policy CS17 requires new development to respect and enhance these environmental assets as also required by paragraph 117 of the NPPF. The existing mature trees are shown to be retained on the illustrative masterplan and the associated landscaping plan. The applicant intends to comply with appropriate tree protection zones recommended by the Council's tree officer. Additional landscaping is proposed which will contribute to enhancing the ecological interests of the development. It is possible to secure these matters through suitable conditions.
- 6.8.3 The application has been accompanied by a detailed ecological assessment which has been reviewed by the Council's ecologist. She has advised that there is no objection to the application subject to the imposition of conditions to mitigate impact including conditions to survey again for badgers, provide habitat for bats and control lighting and to ensure landscaping supports biodiversity. Most critically, she concurs with the Shropshire Wildlife Trust on the need for a biodiversity environment management plan (BEMP).



6.8.4 The ecologist's Habitats Regulation Assessment also concludes that there is no legal barrier to planning permission being issued.

## 6.9 Impact on heritage interests

6.9.1 The NPPF requires councils to acknowledge the significance of the historic environment and ensure that the effects of new development upon built heritage are fully understood and mitigated before planning permission should be granted. Although the application site itself does not contain any designated heritage assets such as listed buildings and nor is it within or adjacent to any designated conservation areas, it does contain and is close to a number of non-designated heritage assets including Robertsford House. In addition, due to the sheer scale and size of the site and the proposed development, it is considered to be within a reasonable distance of listed buildings at Longnor Park and the Church of St Giles. It is also reasonably close to the Shrewsbury Conservation Area. The applicant's Heritage Impact Assessment analyses the value of these assets. The Council's heritage officer has confirmed she is satisfied with this information and that the impacts on Robertsford House can be managed satisfactorily.

### 6.9.2

In respect of archaeological interests on the site, the Council's Archaeologist has confirmed that there are two assets of interest on or immediately adjacent to the site. One is a crop mark enclosure of either late prehistoric and/or Roman date on the south western site boundary and the second being an area of ridge and furrow of medieval date to the west of Robertsford House. In conclusion, it remains his view that the ridge and furrow and the cropmark enclosure are the main features of archaeological interest on the site and recommends a programme of archaeological work be undertaken on the site before development commences. A study has now been submitted and the archaeologist has been consulted again on this.

## 6.10 S106 Obligations

6.10.1 The developer has agreed heads of terms for a S106 agreement that would provide for the following infrastructure and local benefits:

### **Affordable housing**

- Phase 1 full comprising 35 No 2 bed, 12 No 3 bed, 2 No 4 Bed properties for Affordable Rent and 16 No 2 Bed and 6 No 3 bed for Shared Ownership being together a total of 71 dwellings or 20% affordable housing provision of Phase 1 in accordance with Council Dynamic Viability Index model
- Later phases to provide 33% affordable housing, to the same tenure mix and unit types or such lower amount prevailing in accordance with the Council's Dynamic Viability Index at the time of the reserved matters application for that respective phase.
- Housing to be transferred to a registered provider or other such arrangement as may be agreed to maintain the properties in perpetuity for such purposes with staircasing provided.

**Public Open Space**

- Public open space to be provided on the site with a specification to be submitted and approved by the Council and the applicants in accordance with the approved Specification.
- A Management Plan for the future maintenance and management of the public open space to be submitted and approved by the Council.
- A Management Company created by the applicants or Shrewsbury Town Council will implement the Management Plan for the public open space on the development. The Town Council will be given the opportunity of operating the Management Plan on the development provided that it can implement the Management Plan for the same cost or less than the operating cost of the management company.

**Education Contribution**

- A financial contribution towards enhancing capacity in local primary and secondary schools to be agreed with the Council in accordance with the Council education formula and the child yield from the type and tenure of the household. The precise sum to be calculated for the Phase 1 full element of the development, with a formula to allow for the appropriate sum to be calculated upon submission of Reserved Matters for Phase 2 (anticipated to be £2.839,440 based on the mix of homes in Phase 1).
- The trigger for payments to be agreed with the Council and the contribution to be used to provide education facilities within the vicinity of the development.

**Off Site Highway Works Contribution**

- Payment of an off site Transport Works Sum before occupation of the first dwelling in relation to the Belvidere Bridge Works comprising the widening of the footpath, alteration to highway and installation of traffic management measures on Belvidere Bridge generally as illustratively shown on Plan 21643\_08\_020\_03C.

**Travel Plan Sum**

- Payment of a Travel Plan contribution of £50 per dwelling to be used to promote sustainable access to the development and reduce dependence on the private car.

**Monitoring**

- A contribution of £20,000 towards the monitoring of the legal agreement.

6.10.2 All cash contributions will be index linked to changes in the Retail Price Index and the Council will require the agreement to be reviewed before the submission of Phase 2 Reserve matters. Such an approach is appropriate in the event that economic conditions change materially between the date of the signing of any legal agreement and these later stages of the development.

6.10.3 The heads of terms of this agreement are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

6.10.4 The provision of affordable housing accords with national planning policy as well as

Core Strategy Policies CS9 and CS11.

- 6.10.5 The Public Open Space will be managed at no expense to the public purse and will be funded by resident contributions. All members of the public will have access to it. The developer has proposed to establish a management structure that will both protect the ecological features of the park and agree how the site will be managed thereafter either by the Town Council or other suitable organisation to be further reinforced in a biodiversity environmental management plan condition. This element of the legal agreement is needed to address Core Strategy Policies CS8 and CS17.
- 6.10.6 The need to offset the impacts on local educational facilities reflects the link between a major development comprising family houses and its impact on local school rolls. The actual split of expenditure on specific schools will be the subject of further negotiation and will be dependent on the start of Phase 2 too. The Council will also need to ensure that any expenditure on schools conforms with the obligation not to pool more than five contributions.
- 6.10.7 The works to upgrade Belvidere Bridge works and the travel plan reflects the features of the site and the additional traffic impact generated by the development and the need to secure funds to improve the bridge is appropriate to offset traffic impacts. These works are not included in the Council's Regulation 123 CIL Schedule. The negotiation of works/ travel planning money is justified to ensure the development addresses development plan policies set out in Core Strategy Policies CS6, CS7 and CS8.
- 6.10.8 In all respects, the sums set out in the draft heads of terms appear to be fairly and reasonably related to this scheme. This is a complex legal agreement which will need to be negotiated over two phases and engage a range of officers in tasks such as the review of the management of the Public Open Space.

The developer will separately need to enter into agreements with the Council under s38 and s278 of the Highways Act.

6.10.9

6.11 **Other material considerations**

- 6.11.1 The community consultation has raised a number of other points which are briefly reviewed below.
- Securing a lower housing density: It has been shown that a yield of around 600 homes would be acceptable having regard to its impact on the surrounding area. Seeking to secure a lower yield would have implications for the Council elsewhere in the county and would theoretically add to the risk of additional greenfield land being taken for housing.
  - Requiring the London Road access to be built before construction works begin on site: while some residents consider this to be desirable, the Council's highway adviser has set out why does not think there is any legitimate reason to ask for this. Indeed, requiring all the construction traffic to come off the London Road access could have amenity impacts for residents near this access. Various conditions (road widening at Preston Street by the Column; a construction environmental management condition

and a requirement to put the London Road access in before the 250<sup>th</sup> home is occupied) strike the right balance. It would not be appropriate to withhold permission on this ground.

- Construction management on Preston Street and impacts on health: The Council has reviewed information submitted so far but will require a more detailed plan that requires, among other things, the developer to publicise hours of construction with local people. The ward councillor has drawn the Council's attention to a resident who has migraine. The control of construction management traffic through hours of operation is considered a reasonable adjustment in these circumstances. Notwithstanding this, the Council does not have powers to control vehicle movements on the public highway.
- Highway impact mitigation: a caged second footbridge over Belvidere Road bridge is not considered to be necessary or desirable. The narrowing of the bridge will be a more effective measure to prevent traffic rat running.
- Access to the Riverside Park: the consultation has raised conflicting views about access to the park including whether the existing lane east of Preston Street should be closed or not or upgraded/ tarmacked. The final layout will be resolved via a planning condition. Notwithstanding this, the layout on Phase 1 shows there will be a number of new access points to the proposed park where there is currently only one.

6.11.2 The consultation does not raise any other matters that would justify a review of the recommendation and the withholding of planning permission.

## **7.0 CONCLUSIONS**

7.1 The application site is currently agricultural land but is an allocation in the adopted SAMDev Plan for up to 600 new dwellings (Settlement Policy S16.1a). This report has shown the application to be in general accordance with the adopted development plan policy.

7.2 There are a number of areas where the proposed development does not fully accord with the Plan, as detailed above in the report. However, these are generally minor in effect and would not mean that the proposals are so far removed from the intent of S16.1a that they warrant a refusal of planning permission.

7.3 Having considered the proposal against adopted planning policy and guidance, taking into account all other material considerations, on balance it is considered that the proposed development would not have an unreasonable and unacceptable impact upon the wider environment and that the negative impacts identified could be overcome by the imposition of appropriately worded planning conditions as suggested by consultees and a planning obligation under s106 of the Town and Country Planning Act 1990. Officers are seeking delegated power to negotiate a final legal agreement in accordance with the heads of terms set out above.

7.4 The application is in part full (Phase 1) and in part outline (Phase 2). The conditions on the draft permission reflect each phase.

## **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 three months after the grounds to make the claim first arose.

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

### **8.2 Human Rights**

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

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

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

### **8.3 Equalities**

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

## **9.0 Financial Implications**

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature

of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

#### Core Strategy and Saved Policies:

CS1 - Strategic Approach  
CS2 - Shrewsbury Development Strategy  
CS6 - Sustainable Design and Development Principles  
CS7 - Communications and Transport  
CS8 - Facilities, Services and Infrastructure Provision  
CS9 - Infrastructure Contributions  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD12 - Natural Environment  
MD13 - Historic Environment  
Settlement: S16 - Shrewsbury

#### National Planning Policy Framework

### RELEVANT PLANNING HISTORY:

15/03274/SCR Screening Opinion for a proposed residential development of up to 600 dwellings, public open space, access from London Road (adjacent Shrewsbury College SCAT) and Preston Street, landscaping, drainage and associated development infrastructure. EAN 10th September 2015

15/03277/SCR Screening Opinion for a proposed residential development of up to 600 dwellings, public open space, access and associated works EAN 10th September 2015

PREAPP/15/00371 Proposed residential development of up to 600 dwellings, public open space, access from London Road and Preston Street, Landscaping, Drainage and associated development infrastructure PREAIP 2nd September 2015

17/01612/OUT Hybrid planning application for a residential development of up to 600 dwellings, access, footpath/cycleways, public open space, landscaping and associated drainage and development infrastructure: comprising FULL application for 353 dwellings, access from Preston Street, access from London Road and spine road, footpaths/cycleways, public open space, landscaping, demolition of existing buildings and associated infrastructure; and OUTLINE submission for (up to) 247 dwellings, footpath/cycleways, public open space, landscaping and associated development infrastructure (amended description) PDE

## 11. Additional Information

View details online:

The application and full information including the Habitats Regulations Assessment can be viewed online at

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member
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Cllr Ted Clarke Cllr Jane Mackenzie Cllr Tony Parsons
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Appendices APPENDIX 1 - Conditions
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**APPENDIX 1****Conditions****STANDARD CONDITION(S)****The following conditions apply to the full element of the application (Phase 1)**

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

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

2. The development shall be carried out in 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. Other than the Materials as approved on the Materials Layout Plans under Condition 2, 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 accordance with the approved details.

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

4. No development within each Phase shall take place until a scheme of foul and surface water drainage generally in line with the submitted Flood Risk Assessment and Drainage Strategy, March 2017 (Reference 21643/03-17/4118) including the approach to its delivery for that Phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details before the development is occupied/brought into use (whichever is the sooner).

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

5. No development shall take place until a Biodiversity Enhancement and Management Plan (BEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the BEMP shall include, but not necessarily be limited to, the following information:



- a. A review and consideration of the range of biodiversity enhancement measures set out in the Framework Ecological Mitigation Strategy, Middlemarch, Feb 2017 (RT-MME-119826-02 Rev B).
- b. Full specification of habitats to be created, features to be managed; including location(s) shown on a site map
- c. Aims and objectives of management and appropriate management prescriptions for achieving aims and objectives;
- d. Preparation of a work schedule (including an annual work plan)
- e. Details of the body or organisation responsible for implementation of the plan;
- f. Ongoing monitoring and remedial measures;
- g. Timeframe for reviewing the plan.
- h. Details of how the aims and objectives of the BEMP will be communicated to the occupiers of the development.
- i. Possible remedial/contingency measures triggered by monitoring’;
- j. The financial and legal means through which the plan will be implemented.

The plan shall incorporate the recommendations made in the Framework Ecological Mitigation Strategy (Middlemarch Environmental, February 2017), the Bat Assessment Report (TEP, March 2017) and the response from Sophie Milburn to Vincent Maher (dated 9th November 2017). The plan shall be carried out as approved

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

6. No development shall take place until a Construction Traffic Management Plan (CTMP) which shall include a programme for monitoring and review has been submitted to, and approved in writing by, the local planning authority, in consultation with the local highway authority for the A5 Trunk Road. The approved CTMP shall be adhered to throughout the construction phase of the development.

Reason: To ensure that the safety and efficient operation of the strategic road network is not compromised during the construction period.

7. Notwithstanding the information submitted to date, no development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period. No construction traffic access for the proposed development shall be from Preston Street once the proposed London Road access is open and available for public use.

Reason: This detail is required to avoid congestion in the surrounding area and to protect the amenities of the area.

8. The proposed dwellings immediately adjacent to the existing electricity substation on Preston Street that is to be retained shall not be occupied until a scheme of sound attenuation for those dwellings has been submitted to and approved in writing by the local planning authority. The scheme shall show measures to be undertaken to protect the living conditions of future residents living in proximity to the existing electricity substation on Preston Street that is to be retained. The development shall be

implemented in accordance with the approved scheme and the scheme of sound attenuation measures retained at all times whilst the substation is in operation.

Reason: In the interests of amenity.

9. Contaminated land

a) No development associated with the buildings to be demolished, 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.

Information on how to comply with this condition and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

10. No development in either Phase shall take place until detailed design for the balancing ponds in that Phase including their landscaping have been submitted to and approved in writing by the local planning authority. The development shall be built in accordance with the approved designs.

Reason: In the interests of managing off site drainage from the development site and to protect the living conditions of nearby existing and future residents.

11. 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') including a scheme of tree and hedgerow protection works have been submitted to and approved in writing by the local planning authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. SUDS features, hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The landscape works shall be carried out in full compliance with the approved landscape plans and schedule and to implementation timescales that shall be submitted to and approved by the Local Planning Authority before the development of each Phase begins. 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. All trees and hedgerows to be retained within the development shall be afforded full protection in accordance with BS5837:2012 throughout any ground or construction works on site and in accordance with the submitted Arboricultural Impact Assessment and Method Statement (MG/4452/AIA&AMS/REV F/SEP17) and Protection Plans 4452.04F and 4452.05F

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and to ensure the provision of biodiversity afforded by appropriate landscape design.

12. No works (including felling, lopping, crowning and trimming) shall commence on any tree containing potential roosting features until a bat survey has been carried out by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If any evidence of bats is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

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

13. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Mitigation Plan for Ecology has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c) Requirements and proposals for any site lighting required during the construction phase;
  - d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
  - e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
  - f) Identification of Persons responsible for:
    - i) Compliance with legal consents relating to nature conservation;
    - ii) Compliance with planning conditions relating to nature conservation;
    - iii) Installation of physical protection measures during construction;
    - iv) Implementation of sensitive working practices during construction;
    - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
    - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
  - g) Pollution prevention measures.

All construction activities shall be implemented in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

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

14. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works and that further development shall be undertaken in accordance with that mitigation strategy

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

15. No development in either Phase shall take place until details of a scheme to provide for electric car charging for that Phase have been submitted to and approved in writing by the local planning authority. The development of each Phase shall be implemented in accordance with the approved scheme.

Reason: In the interests of promoting sustainable development.

16. No development shall take place until the proposed highway widening works generally set out in drawing 21643\_08\_020\_05 C A1 have been completed.

Reason: In the interests of highway safety especially during the construction works on site.

17. Prior to the commencement of development full engineering details shall be submitted in respect of access onto Preston Street, internal carriageways, footways and cycleway; the highway works shall be completed in accordance with the approved details and subject to a phasing plan to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate access to the site in the interests of highway, cycling and pedestrian safety.

18. Prior to the commencement of development full engineering details of the traffic calming measures shown indicatively on Drawing No.21643-08-020-07 Rev B together with a phasing plan for the works shall be submitted to and approved in writing by the Local Planning Authority; the traffic calming works shall be fully implemented in accordance with the agreed details and no later than the date of occupation of the 250<sup>th</sup> dwelling built within the development:

Reason: To provide the traffic calming measures being introduced along Preston Street and Portland Crescent as part of a coordinated scheme.

19. Prior to the commencement of development the widening of Preston Street, as indicatively shown on Drawing No.21843-08-020-05 Rev C, shall be fully implemented in accordance with full engineering details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

20. No dwelling shall be occupied until a scheme showing access to and management of the proposed Riverside Park and other play areas on the development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved management scheme and the management scheme retained in place thereafter.

Reason: In the interests of protecting the ecological value of the site and in the interests of amenity.

21. No more than 250 dwellings shall be occupied on the development hereby approved unless and until the access to London Road as shown on is completed and available to public traffic. No construction traffic access for the proposed development shall be from Preston Street once the proposed London Road access is open and available for public use.

Reason: In the interests of highway safety and to protect the amenity of residents in the vicinity of Preston Street.

22. The proposed traffic calming measures, generally as shown on Drawing 21643\_08\_020\_07B but with the addition of an additional Speed Table at the junction of Preston Street and Belvidere Avenue which shall be submitted to and approved by the Local Planning Authority, shall be implemented as so approved before the London Road access is constructed and open to public traffic.

Reason: In the interests of highway safety.

23. Prior to the erection of any external lighting on any phase of the development, a lighting plan for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall:
- identify those areas/features on site that are particularly sensitive for bats and badgers where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
  - show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014).

Reason: To minimise disturbance to bats, which are European Protected Species, and badgers, which are protected under the Protection of Badgers Act 1992.

**The following conditions apply to the outline element of the application.**

24. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the

development shall be implemented within 2 years of the last of the Reserved Matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

25. Approval of the details of the design and external appearance of the development, layout, scale, and the landscaping of Phase 2 of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development on Phase 2 begins and the development shall be carried out as approved.

Reason: In respect of Phase 2, the application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

26. The Reserved Matters for Phase 2 of the development shall be broadly in conformity with parameters for the development shown on drawing number 013-007-P011 REV J.

Reason: To avoid doubt and in the interests of amenity.

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187 including securing revisions to the scheme.
2. For the avoidance of doubt, the two Phases of the development comprising the outline and full elements are shown on Hybrid Application Phases Drawing 013-007-P015 REV B.

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Committee and date  
 Central Planning Committee  
 23 November 2017

Item  
**6**  
 Public

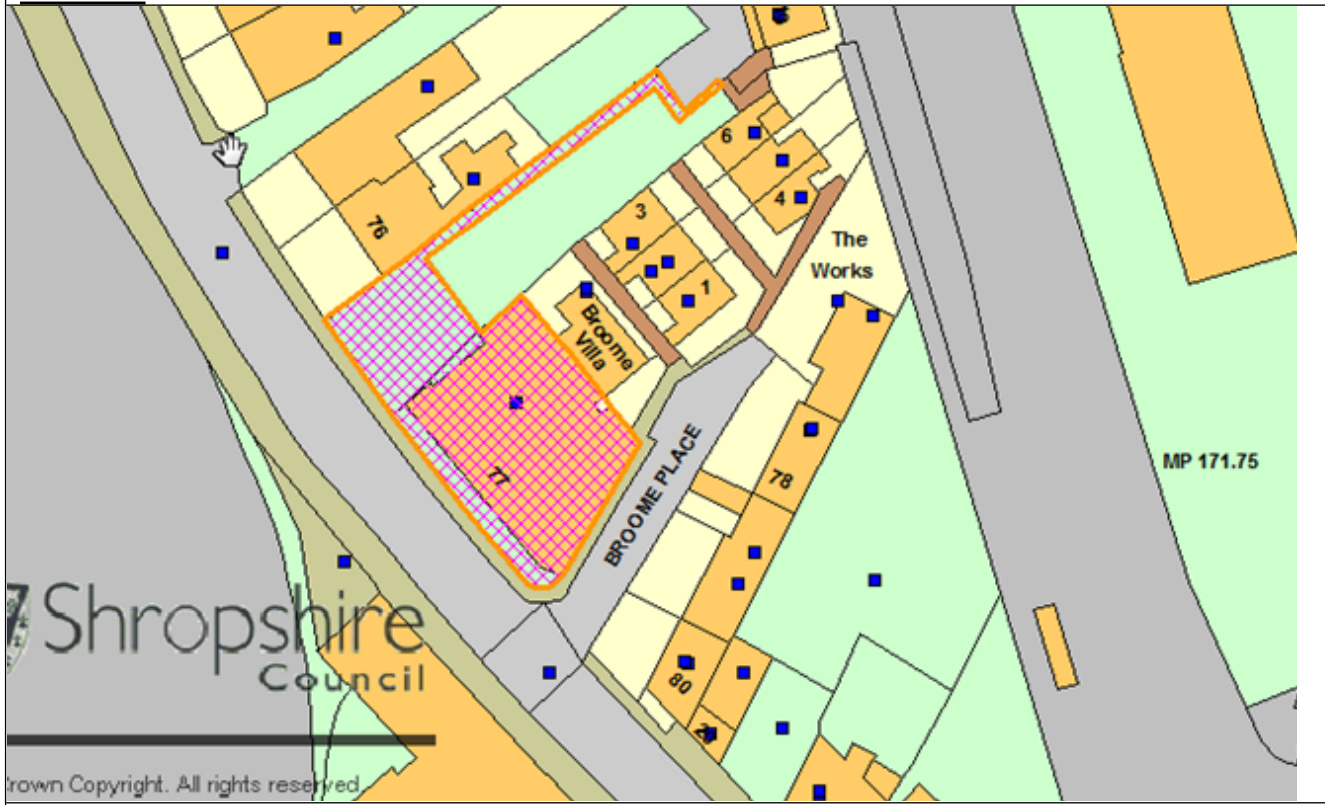
## Development Management Report

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

### Summary of Application

<b><u>Application Number:</u></b> 17/05049/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Conversion of a former Church and current retail premises (use class A3) to five residential apartments to include terraces and external fire escape with footbridge		
<b><u>Site Address:</u></b> Coton Hill Glass Works Coton Hill Shrewsbury Shropshire SY1 2DP		
<b><u>Applicant:</u></b> Pearl Properties (Shropshire) Ltd		
<b><u>Case Officer:</u></b> Jane Raymond	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 349305 - 313135



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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 the conversion of a former Church that has more recently been use as retail premises (use class A3) to five residential apartments to include terraces and external fire escape and footbridge. It is identical to a planning application that was recommended for approval under delegated powers in 2015 (15/02654/FUL) that was not proceeded with as the s106 agreement to secure affordable housing was never agreed.

### **2.0 SITE LOCATION/DESCRIPTION**

2.1 The site is the former Congregational Church that has more recently been in retail use with a variety of occupiers but is currently vacant. It is situated within a conservation area and faces Chester Street on a major vehicular and pedestrian route and close to Shrewsbury Town Centre.

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

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 on the Shropshire Council Constitution as the Town Council have submitted a view contrary to the officer recommendation and the Area Planning Manager in consultation with the Committee Chairman and Local Member agree that the application should be determined by committee as the building is of interest in a prominent location and the concerns of the Town Council and local residents are material.

### **4.0 Community Representations**

#### **4.1 - Consultee Comments**

4.1.1 **SC Highways:** No Objection ' subject to the development being constructed in accordance with the approved details, and the suggested conditions and informatives.

#### Observations/Comments:

The development seeks to convert the former Congregational Church and current retail premises to five apartments. The site has been the subject of previous planning discussion in PREAPP15/00078 and 15/02054/FUL where the views of the highway authority do not appear to have been sought. Parking along Coton Hill in the vicinity of the property is at a premium and outside of the river loop parking standards would require 1.5 spaces per dwelling, however it is assumed that under the previous planning discussions a relaxation of the planning standards has been accepted.

It is considered that due to the constraints of the adjoining highways a Construction Method Statement will be required.

- 4.1.2 **SC Conservation:** No comments received at time of writing but made the following comments on the previous identical scheme:

Background to Recommendation:

*This application involves a proposal for the residential conversion of the former Congregational Church building, located at the south end of Coton Hill where it meets Chester Street. This attractive brick building was completed in 1909 to the design of A. B. Deakin in the decorative Italianate style, and was one of several Congregationalist chapels built to serve the suburbs of Shrewsbury, with this building replacing the old Independent Chapel on Castle Gates, and it is thought that the columns on the tower come from that earlier chapel. The Church replaced an earlier dwelling on the site known as Broome Hall. The church was closed in 1942 as congregation number declined and has been in commercial use since the 1970s. The building is unlisted but is considered to be an important non-designated heritage asset and a visually prominent local landmark along this major entrance route into the Shrewsbury Town Centre as well as from views across the river which closely parallels the highway here. The property is part of the 'Raven Meadows and Coton Hill Special Character Area' which makes up part of the larger Shrewsbury Conservation Area, and the building is an important visual element of the street scene within this part of the Conservation Area. The two pairs of stucco over brick villas immediately north of this property are both Grade II listed.*

Principles of Scheme:

*In considering this proposal, due regard to the following local and national policies, guidance and legislation has been taken: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) published March 2012, the Planning Practice Guidance, and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.*

*We met on site with the applicant, architect and Planning Officer at the formal pre-application stage to discuss the principle of residential conversion of the building, where we viewed concept drawings showing replacement of the building's traditional pitched roof with a more contemporary upper floor to allow for additional residential floor space along with opportunities for external outdoor terracing. The need for dry land access was also discussed at that time. While we fully supported residential reuse of this building, we advised during the site visit that while we could in principle support the introduction of a very well designed and executed contemporary roof level treatment, we requested that the architect reduce the size of the penthouse feature over the subservient Sunday School and pull back the main penthouse from the existing building line, along with several other modifications to improve the appearance of the project and to better respect the existing building.*

*The plans have been further modified and additional detail provided at this more formal full planning application stage. The proposal retains the existing footprint and main elevational features of the building including its distinctive and attractive*

*tower and decorative fenestration. Internally there are some decorative features of interest which we recommend should be retained and should be featured within the relevant residential units and the open nature of the internal spaces of the building should be respected, but it is acknowledged that introduction of some light partitioning and modifications to the inside lobby and access to the upper floors of the building are required. Existing window openings and decorative stained glass windows will be retained and existing upvc windows will be replaced with painted timber windows appropriate to the building.*

*The dry land access bridge and escape stairs are a simple painted black metal structure which should not have a significant impact on the street scene or the setting of the adjacent listed dwellings to the north but submission of more specific details on this feature should be conditioned for further assessment to ensure any impact on the setting of the building and the heritage assets nearby is minimized.*

*The contemporary penthouse and new floor above the Sunday School will require a high standard of design and detail and excellent quality materials and finishes at this prominent location within the Conservation Area, and the landscaping and parking surface treatment adjacent to the building is also very important to get right, and further details on these elements of the proposal are required and should be conditioned. Overall however the proposal is considered to preserve the visual character of this heritage asset while introducing a contemporary element to the street scene which if executed to a high standard should maintain the character and appearance of the Conservation Area and have minimal impact on the setting of the adjacent designated heritage assets in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

*Recommendation:*

*Overall no objection subject to the inclusion of conditions regarding external materials and decorative finishes, ironwork for escape stairs and dry land access bridge and surfacing of parking area.*

4.1.3 **SC Archaeology:** We have no comments to make on this application with respect to archaeological matters.

4.1.4 **SC Drainage:**

1. The site is in Flood Zone 3. The Environment Agency should be consulted on the Flood Risk and the finished floor level of the new residential apartments as the flooding is from a Main River.

2. Informative: A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at:  
<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4.1.5 **Environment Agency:** No response received at time of writing.

4.1.6 **Canal and River Trust:** There is no requirement to consult us in our capacity as a Statutory Consultee.

## 4.2 - Public Comments

4.2.1 **Shrewsbury Town Council:** Members did not object to the principle of this Church being converted into residential apartments but felt the design, especially the glass balustrades and roof terraces was not in-keeping with the historic building and is likely to intrude on neighbouring properties.

4.2.2 Three letters of objection/representation summarised as follows:

- ② The roof terraces with glass balustrades will compromise privacy as the people using the proposed terrace will be able to stare straight into the bedroom at Bromley Villa 78 Coton Hill
- ② The Works, Broome Place will be directly overlooked by the proposal. Privacy will be compromised with 2 elevated open terraces with glass balustrades allowing direct viewing onto the dwelling and garden area.
- ② Window openings on the North West side of the proposed development will overlook the adjoining Broome Villa on all three floors.
- ② Concern that the proposed works will cause disruption to the occupiers of the 4 apartments within Broome Villa and there needs to be a limit on the duration of the construction works.
- ② The plans show Broome Villa as having a single pitch roof against the proposed development whereas in fact it has a welsh slate double pitch roof as viewed from the south east side.
- ② The steps in the front garden (belonging to Flat 1 Broome Villa) on the south east side of Broome Villa lead from the front garden on to the flat roof of the proposed development and the plan in this respect overstates the extent of the proposed development.
- ② Only 5 parking spaces are proposed in an area where parking is already at a premium, particularly in Broome Place and taking into account the number of bedrooms planned (14), then clearly not enough parking spaces have been proposed for the potential number of occupants and any visitors to the properties.

#### 4.2.3 **Shrewsbury Civic Society (Comments at time of previous identical application):**

*The Civic Society generally supports this application.*

*This building has struggled to find a sustainable use for some time and its conversion to dwellings seems extremely sensible. Issues of flooding have been largely covered with reasonable safety guarded. The building is in a most prominent position, at one of the entry points to town Centre.*

*This fine looking chapel has been largely retained and to some extent enhanced by the plans. The additional storey is however a potential feature of doubt. However, the Conservation Officer's amendments have ameliorated its worst impact. As it is now planned the additional set back roofline is not too obtrusive although what looks like an over-wide powder-coated aluminium eaves feature is unnecessary. The windows of the existing building and the articulation are all vertical. The additional storey would be improved and more consistent with vertical fenestration and plank cladding.*

*We hope this application will gain approval although in detail, we suggest the above improvements.*

We therefore hope the application will be allowed with minor modifications.

#### 5.0 **THE MAIN ISSUES**

Principle of development  
Appearance and design  
Impact on residential amenity  
Highways  
Flood risk and drainage  
Noise and air quality  
Developer contributions

#### 6.0 **OFFICER APPRAISAL**

##### 6.1 **Principle of development**

6.1.1 Pre-application advice was sought prior to submission of the previous application and the applicant was advised that the principle of the redevelopment of the former Congregational Church to residential apartments is welcomed as an appropriate re-use of the building situated close to Shrewsbury Town Centre. The provision of housing within the urban area of Shrewsbury and within this highly sustainable location would accord with Shropshire Core Strategy Policy CS2 and SAMDev S16.1 that identify Shrewsbury as the primary focus for housing development in Shropshire. The National Planning Policy Framework also recognises that residential development can play an important role in ensuring the vitality of town centres. The re-development of the site for residential use is therefore acceptable in principle and accords with local development plan policy and the NPPF.

## 6.2 Appearance and design

- 6.2.1 Policy CS6 and MD2 of the Core Strategy requires new development to be designed to a high quality that is appropriate in scale, density, pattern and design, taking into account the local context and character of the area and making effective use of land whilst protecting the natural and built environment. Core Strategy Policy CS17: Environmental Networks and MD13 also states that development must protect and enhance the historic environment. The proposed site is situated within the Shrewsbury Conservation Area and the buildings to the North are listed, and the development has the potential to impact on these heritage assets. The proposal therefore also has to be considered against section 12 of the National Planning Policy Framework (NPPF) and special regard has to be given to the desirability of preserving the setting of nearby listed buildings and preserving or enhancing the character and appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.2.2 At the pre-application stage the applicant was advised that the building is located in a highly prominent and sensitive location on a major route into the town centre and that although the building is not listed it is of considerable architectural merit and any redevelopment scheme must be extremely sensitive to these factors. The applicant was advised that the addition of two extensions to the roof of the building to add penthouse apartments would be acceptable in principle but there was concern that the first floor extension over the South East, single storey side of the building may appear overly dominant and unbalancing on the appearance of the building and may need to be reduced in scale. This submitted scheme has taken on board these comments and the Conservation officer at the time of the previous application made a comprehensive review of the application as amended and now submitted and supported the application.
- 6.2.3 It is considered that the proposed development subject to the conditions suggested regarding the detail would preserve the character and appearance of the building and Conservation Area and would have no significant impact on the setting of the adjacent listed buildings. The previous comments by the Civic Society regarding their view that the over-wide powder-coated aluminium eaves feature is unnecessary and that the additional storey would be improved and more consistent with vertical fenestration and plank cladding, were discussed with the Conservation officer. It was considered that in this instance the horizontal cladding would work better and would give some contrast to the vertically emphasised windows and tower and that the eaves feature is acceptable provided it is completed to a good standard and finish.

## 6.3 Impact on residential amenity

- 6.3.1 Policy CS6 and MD2 require new development to safeguard residential amenity. At the pre-app stage concern was raised about the potential impact on the residential amenity of properties along Broome Place and also Broome Villa, which adjoins the building on the North Eastern side and that the design should ensure that any new windows do not result in overlooking. There will be no rear (North East) facing windows proposed at first floor or second floor level that would result in overlooking

of the adjoining 'Broom Villa' or 'The Works' to the North East. The first and second floor extensions have been amended so that they are set back from the edge of the building and it is considered that the proposal would not result in a significant level of overlooking and a loss of privacy of properties in Broome Place to the East and South East that would warrant refusal. It is considered that the proposed new use of the site would not result in any significant change to noise and disturbance to nearby residents compared to its existing use. A condition can be imposed to limit the hours of construction work to protect residential amenity. Concern about any damage to neighbouring properties during construction and access to the site is a civil matter and not a planning matter.

#### 6.4 **Access/parking/amenity space**

6.4.1 The vehicular access to the site will remain as existing, and five private parking spaces will be available to residents to the side of the building. One space per unit with no visitor parking is considered acceptable in this sustainable location close to the Town Centre with easy access to public transport and where all local facilities and services are available within walking or cycling distance and public car parks nearby. There will be no private amenity space but this is considered acceptable with the Quarry Park and the array of facilities and services available in the town centre nearby.

#### 6.5 **Flood risk and drainage**

6.5.1 The site is situated within Flood zone 3 and is therefore at high risk of flooding. As the proposal is for 'more vulnerable' residential development a Flood Risk assessment (FRA) is required and has been submitted which includes an assessment of the risk and mitigation. The development needs to pass both the Sequential Assessment and Exception Test in accordance with the guidance in the NPPF and PPG.

6.5.2 Sequential Assessment – The NPPF and PPG advises that it is for LPAs to consider the extent to which the Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The PPG advises that the LPA must be satisfied that there are no other reasonably available sites in the same area which could be considered as being suitable and appropriate for the proposed development to be located. The proposed development is for conversion and not new build so the proposed development can only realistically take place at this particular site. However a search was undertaken at the time of an application for a nearby site (land adjacent Chronicle House) of potential sites for new development that may be suitable, developable and deliverable and at lower risk of flooding. The submitted Sequential assessment provided a comprehensive assessment of potential sites within and close to Shrewsbury town centre and provided justified reasoning why the sites would not be suitable, available or appropriate to accommodate the proposed development. There are also no available sites allocated for housing within the river loop or within walking distance of the town centre. The proposed site is a brownfield site, within 100 metres of both the train station and bus station and walking distance of the Town Centre. It is not considered that there are any other sites available within the Shrewsbury river loop that would offer the same benefits



and sustainability criteria as this development.

- 6.5.3 Exceptions test – The Exception Test, as set out in paragraph 102 of the NPPF, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The two parts to the Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.
- 6.5.4 Part one - The NPPG advises that the first part of the Exceptions Test requires the LPA to demonstrate that wider sustainability benefits to the community outweigh flood risk and that planning applications should score positively against the aims and objectives of the Local Plan Sustainability Appraisal or Local Plan policies, or other measures of sustainability. Shropshire Council does not have a Local Plan Sustainability Appraisal but the policies of the adopted Core Strategy have been the subject of a Sustainability Appraisal. The most relevant policies are CS1, CS2 and CS6. CS1 and CS2 identify Shrewsbury as the primary focus for housing and CS2 identifies the use of previously developed land for housing particularly on sites that would contribute to the enhancement of the town centre. CS6 relates to Sustainable Design and Development Principles and requires proposals to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised to reduce the need for car based travel. It is considered that this site scores positively with regards to sustainability as it is a Brownfield site within walking distance of the Town Centre and in close proximity to the Train and Bus station. It is also considered that the development of this site will enhance the character and appearance of the street scene and this part of Shrewsbury Conservation Area whilst boosting housing supply. It is considered therefore that the proposal meets part one of the exceptions test.
- 6.5.5 Part two – The NPPG advises that the developer must provide evidence to show that the proposed development would be safe without increasing flood risk elsewhere and that people will not be exposed to hazardous flooding from any source and that any residual flood can be overcome to the satisfaction of the LPA, taking account of any advice from the Environment Agency. The information within the submitted FRA addresses these issues:
- 6.5.6 Flood storage capacity / increased flood risk elsewhere – There will be no increase in the footprint of the building. The EA in their pre-app advice recommended that any proposed raised walkways on site should be designed to ensure that there is no loss of flood storage or impact on flood flows. The EA previously commented that as ‘vertical stations’ are proposed to support the raised walkway that they are considered unlikely to have a significant impact on flood risk elsewhere.
- 6.5.7 Safe egress and exposure to flooding hazards – The proposal includes a raised walkway accessed at the rear of the building to provide dry access via Benbow Quay and the Anchorage to all floors in the case of flooding. The EA previously confirmed that the FRA demonstrates that this proposed route will provide ‘safe’ access and egress above the 100 year flood level plus climate change. A condition

will be imposed to insure its provision prior to the first occupation of the development.

6.5.8 The EA advise that finished floor levels (FFLs) should normally be set no lower than 600mm above the 100 year river flood level plus climate change (i.e. at a level of 53.99m AOD in this location). As this is a conversion this might be difficult to achieve. The level of the existing ground floor is 52.93m, and it is proposed to raise the ground floor level to 54.00m which will be 1.78m above the highest water level recorded of 52.22m. The FRA also recommends that the occupants of the site sign up to receive flood warnings and a Flood Evacuation Management Plan (FEMP) should be prepared in order to advise all residents of the possibility of flood and the measures which need to be undertaken to ensure safe and secure access will be maintained. Planning conditions will be imposed regarding all of the above and subject to compliance with these conditions it is considered that the proposal meets part two of the exceptions test.

## 6.6 **Noise and air quality**

6.6.1 Public Protection previously raised concern regarding noise and air quality affecting residents due to the location. In the absence of air quality and noise assessment and any mitigation the same recommended conditions will be imposed to ensure that details are submitted and complied with prior to occupation.

## 6.7 **Developer contributions**

6.7.1 Core Strategy Policy CS11 and the Supplementary Planning Document (SPD) on the Type and Affordability of Housing require all new open market housing development to make a contribution to the provision of local needs affordable housing.

6.7.2 The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) in November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sqm). Although initially challenged this was reinstated by the Court of Appeal in May 2016.

6.7.3 It is considered that the WMS is a significant material consideration and therefore the Council no longer requires an Affordable Housing Contribution for applications for 10 or less dwellings (5 or less within a designated protected rural area) and less than 1,000sqm floor area in the majority of cases. No affordable housing contribution is required in this instance.

## 7.0 **CONCLUSION**

7.1 It is considered that the proposed development is acceptable in principle as it will make good use of an existing building in this sustainable location close to Shrewsbury Town Centre. It is considered that the proposed development subject to the conditions suggested regarding the detail would preserve the character and appearance of the building and Conservation Area and would have no significant

impact on the setting of the adjacent listed buildings. The proposal would have no significant adverse impact on residential amenity and adequate parking and a dry access in times of flooding will be provided and a condition will be imposed regarding a FEMP. The proposal therefore accords with the NPPF and Shropshire LDF policies CS2, CS6, CS17, MD2 and MD13.

## 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 three months 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: CS2, CS6, CS17, MD2 and MD13

### RELEVANT PLANNING HISTORY:

15/02654/FUL Conversion of existing retail premises (use class A3) to residential (5 apartments) WDN 6th June 2016

## 11. Additional Information

List of Background Papers: File 17/05049/FUL
Cabinet Member (Portfolio Holder): Cllr R. Macey
Local Member: Cllr Nat Green
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

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

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

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

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

4. No works shall take place until an air quality assessment which models the impact of air quality in the area is carried out to demonstrate the current and predicted air quality at the property and submitted in writing for approval by the Local Planning Authority. A DMRB assessment is not appropriate in this location and will not be accepted. Where increase in air pollutants are expected or residents are introduced into an area of poor air quality suitable mitigation shall be submitted for approval and any approved scheme completed in full prior to the first occupation of the development.

Reason: To protect the health and wellbeing of existing and future residents. The information is required prior to the commencement of the development to ensure that the air quality mitigation is implemented in the development from the commencement for the reasons give above.

5. No works shall take place until a noise assessment has been carried out and reports submitted for approval in writing by the Local Planning Authority. Where mitigation is required suitable methods shall be proposed for approval and any approved scheme shall be implemented in full prior to the first occupation of the development.

Reason: To protect the health and wellbeing of future residents. The information is required prior to the commencement of the development to ensure that the noise mitigation is implemented in the development from the commencement for the reasons give above.

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

6. Prior to the first occupation of the development, a Flood Evacuation Management Plan (FEMP) shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also

include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area.

7. Prior to the first occupation of any dwelling unit, the proposed raised walkway access to the residential properties as outlined in the Flood Risk Assessment shall be implemented and thereafter maintained for the lifetime of the development.

Reason: To provide safe access to the residential units, for the lifetime of the development.

8. Before the relevant parts of the work are commenced, details of the roof construction including details of eaves, undercloaks ridges, valleys and verges and roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the external appearance of the development is satisfactory and to protect and enhance the appearance of the building and the area.

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

Reason: To ensure that the external appearance of the development is satisfactory and to protect and enhance the appearance of the building and the area.

10. All new external and internal work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure that the external appearance of the development is satisfactory and to protect and enhance the appearance of the building and the area.

11. Before the relevant part of works commence details of the proposed decorative finishes and colour scheme shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory and to protect and enhance the appearance of the building and the area.

12. Notwithstanding the details of the elevated walkway authorised by this consent details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to their installation:

- Fully detailed and dimensioned drawings of the ironwork for the escape stairs and dry land access bridge

- Details of the method of attachment
- Details of the proposed high-performance corrosion-inhibiting priming system
- The colour scheme for the ironwork

Reason: To ensure that the external appearance of the development is satisfactory and to protect and enhance the appearance of the building and the area.

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

Reason: To preserve the special features of the interior of the building)

14. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

15. No noisy construction (and/or demolition) works shall take place outside the following hours:

7.30am - 6pm Monday to Friday, and 8am - 1pm on a Saturday

Nor at anytime on Sundays or Bank Holidays.

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

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<u>Committee and date</u>
Central Planning Committee
23 November 2017

<u>Item</u>
7
Public

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

<b>LPA reference</b>	17/02589/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr And Mrs Carron
<b>Proposal</b>	Outline application (all matters reserved) for the erection of a detached dwelling with domestic garage
<b>Location</b>	The Chestnuts Cruckton Shrewsbury
<b>Date of application</b>	30.05.2017
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	09.08.2017
<b>Date of appeal</b>	25.09.2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	16/04169/REM
<b>Appeal against</b>	Appeal Against Conditions Imposed
<b>Appellant</b>	Mr J Homden
<b>Proposal</b>	Approval of reserved matters (access, appearance, landscaping and layout) pursuant to permission 14/05719/OUT for the erection of a detached single self-build dwelling and garage to include scale
<b>Location</b>	Proposed Dwelling To The South Of, Little Ness, Shrewsbury
<b>Date of application</b>	15.09.2016
<b>Officer recommendation</b>	Grant Permission
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	22.12.2016
<b>Date of appeal</b>	21.06.2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	02.10.2017
<b>Date of appeal decision</b>	07.11.2017
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>ALLOWED</b>
<b>Details</b>	

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## Appeal Decision

Site visit made on 2 October 2017

by **A J Mageean BA (Hons) BPI PhD MRTPI**

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

Decision date: 7<sup>th</sup> November 2017

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**Appeal Ref: APP/L3245/W/17/3178484**

**Land to the South of Little Ness, Shrewsbury SY4 2LG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr J Homden against the decision of Shropshire Council.
  - The application Ref 16/04169/REM, dated 14 September 2016, was approved on 22 December 2016 and planning permission was granted subject to conditions.
  - The development permitted is approval of reserved matters (access, appearance, landscaping and layout) pursuant to permission 14/05719/OUT.
  - The condition in dispute is No 12 which states that: "*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken:-*
    - extension to the dwelling
    - free standing building within the curtilage of the dwelling
    - addition or alteration to the roof
    - erection of a porch
    - any windows or dormer windows"
  - The reason given for the condition is: "*to maintain the scale, appearance and character of the development and to safeguard the amenities of the locality*".
- 

### Decision

1. The appeal is allowed and the planning permission Ref 16/04169/REM for approval of reserved matters (access, appearance, landscaping and layout) pursuant to permission 14/05719/OUT at Land to the South of Little Ness, Shrewsbury SY4 2LG granted on 22 December 2016 by Shropshire Council, is varied by deleting condition No 12.

### Background and Main Issue

2. The approval of the reserved matters application in this case included a condition removing permitted development rights for extensions and alterations to the new dwelling, including curtilage buildings. The reasons for this given on the decision notice refer to the need to maintain the scale, character and appearance of the development and the need to safeguard the 'amenities' of the locality, with the Council's statement referring to the sensitive location of the site.
3. Taking these points into consideration, the main issue is whether the condition is reasonable or necessary in the interests of the character and appearance of the area, and also the living conditions of neighbouring residents.

## Reasons

4. The appeal site is a large plot located within a rural settlement which has a dispersed character and is set within agricultural fields. It comprises a range of dwelling types, including some large properties in substantial plots, with others being smaller scale semi-detached dwellings. To the south of the appeal site are two sets of semi-detached dwellings, with Little Ness Farm directly to the east. The approved development is for a large property and detached triple garage which, at the time of my site visit, appeared to be substantially constructed.
5. Whilst the scale of this proposal was approved at outline stage, the reserved matters application generated local concern about the nature and scale of this proposal, including changes to the previous indicative plan. However, I understand that the Council was satisfied that the size of the reserved matters dwelling was as previously approved. Also the positions of the dwelling and garage, though altered from the indicative plan, were considered to be acceptable within this large plot given the generous distances between these built elements and adjacent properties. The Council therefore concluded that the proposal would not result in significant harm to surrounding dwellings or the wider area. I have no reason to take a different view on these matters.
6. The National Planning Policy Framework (the Framework) at paragraph 206 states that planning conditions should only be imposed when they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. More specifically, paragraph 200 states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances.<sup>1</sup>
7. In the present case the scale of the development was considered at outline stage, with conditions such as that restricting the number of storeys imposed on the outline approval. Therefore, as matters associated with scale had already been determined, my view is that a condition restricting permitted development was not strictly speaking relevant to the reserved matters application.
8. I note that the concerns of the objectors to the reserved matters application related in part to the fact that the dwelling was positioned further forward in the plot than in the indicative scheme, with the garage moved to the northern side closer to Little Ness Farm. The particular concern was that this scheme would be harmful to the outlook from, and privacy enjoyed, by the occupiers of neighbouring houses.
9. I accept that the character of this area is spacious, and that the occupiers of neighbouring properties are used to having more open views. However, this does not appear to be an especially sensitive location, particularly given the generous size of the plot and the distance to neighbouring dwellings. Therefore, noting that permitted development rights do not allow any extension or curtilage building to be constructed forward of the principal elevation of the house, it is not clear how restricting permitted development rights would

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<sup>1</sup> Planning Practice Guidance ID 21a-025-20140306

address these concerns. As such it does not appear that the exercise of permitted development rights would cause significant harm to either the character of this area or the 'amenity' experienced by neighbours.

10. More specifically, the further comments submitted by the appellant indicate that the request for the removal of this condition relates to his wish to build a more accessible garage attached to the house. I assume that this would be positioned adjacent to the northern side elevation of the property in place of the covered area indicated on the approved plans. An addition of this nature would be largely screened and would not harm the interests of the occupiers of neighbouring properties.
11. I note the concern of objectors regarding the possible conversion of the triple garage into a separate dwelling. However, Condition No 11 on the reserved matters approval states that "*the garage hereby approved shall not be used for any purposes other than those incidental to the enjoyment of the proposed dwelling...but not including use as living accommodation*". This condition therefore directly addresses these concerns, ensuring that under the terms of this approval such a scenario is not possible.
12. I conclude that the condition restricting permitted development rights is not reasonable or necessary in the interests of either the character and appearance of the area or the living conditions of neighbouring residents. As such, clear justification for imposing the condition, as required by the policy set out in the Framework, has not been provided. Furthermore, the exceptional circumstances required to show the need for the condition, as advised by the PPG, have not been demonstrated.

### **Conclusion**

13. For the reasons set out above I conclude that the appeal should be allowed and the planning permission should be varied by the deletion of Condition No 12.

*AJ Mageean*

INSPECTOR

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