



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

Date: Wednesday, 10 January 2018

Committee:
Central Planning Committee

Date: Thursday, 18 January 2018

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

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes

To confirm the Minutes of the meeting of the Central Planning Committee held on 21st December 2017 – Minutes to Follow.

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. The deadline for this meeting is 2 p.m. on Wednesday 17th January 2017.

4 Disclosable Pecuniary Interests

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

5 Land Between Preston Street & London Road, Shrewsbury - 17/01612/OUT (Pages 1 - 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 Proposed Concierge Glamping Site at Hencote Farm, Cross Hill, Shrewsbury - 17/04363/FUL (Pages 63 - 76)

Creation of a concierge 10 unit glamping site for tourism and leisure operation (using previously approved vehicular access); formation of car parking area

7 Schedule of Appeals and Appeal Decisions (Pages 77 - 82)

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, 15th February 2018 in the Shrewsbury Room, Shirehall.



Committee and date

Central Planning Committee

18 January 2018

Item

5

Public

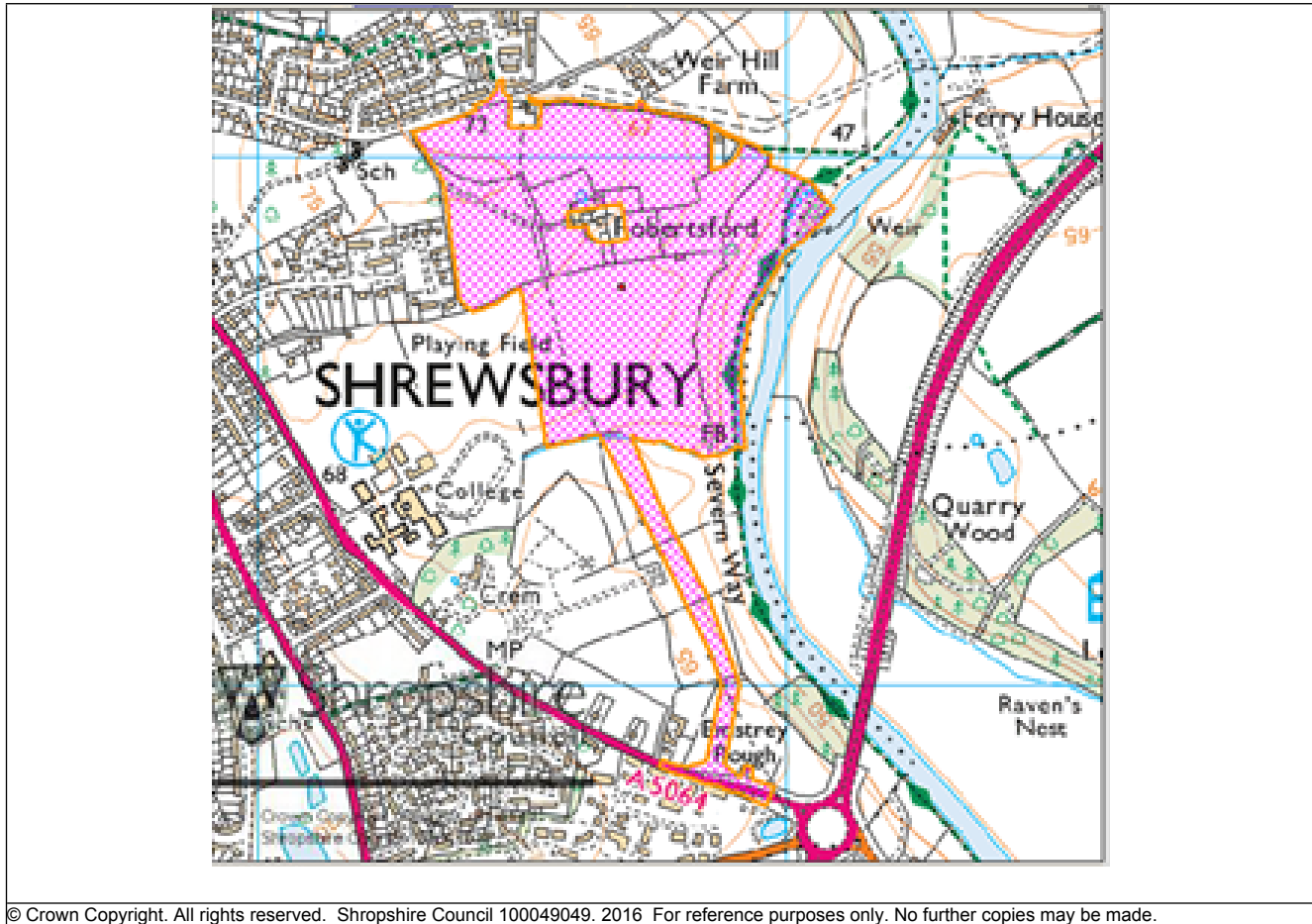
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 17/01612/OUT	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> 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)		
<u>Site Address:</u> Land Between Preston Street & London Road Shrewsbury Shropshire		
<u>Applicant:</u> Taylor Wimpey And Persimmon Homes		
<u>Case Officer:</u> Vincent Maher	<u>email:</u> planningdmsw@shropshire.gov.uk	
<u>Grid Ref:</u> 351690 - 311760		



SUPPLEMENTARY REPORT

1. The Central Planning Committee deferred a decision on this planning application at its 23 November 2017 meeting (Appendix 1 to this report). It asked for the following three issues to be addressed:
 - The trigger point for the requirement of the London Road access;
 - The timing of the development of the Riverside Park; and
 - Further detail in relation to footpath and cycleway connectivity from the site to existing development and facilities in the wider area.
2. The applicants have submitted a detailed statement on each of the three issues (see Appendix 2 to the report). It is self-explanatory. Officers agree with its findings. This report therefore does not seek to repeat the applicants' observations.
3. This report addresses these three matters and then updates the Committee on other matters raised in connection with this application since its 23 November meeting.

Trigger point for the requirement of the London Road access

4. The Committee is reminded of the site's status as an allocation for housing in the SAMDev Plan. Policy S16.1a allows for up to 600 new homes 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.”*

5. The applicants have given a detailed account in Appendix 2 of the changes that took place during SAMDev Examination in Public before the plan was adopted that accounted for the 150 house figure being added to the text of the Site Allocation.
6. Notwithstanding what took place during the SAMDev Plan Examination in Public, the site allocation that has been adopted in SAMDev does not place a ceiling on 150 homes accessing off Preston Street. Rather, it allows for a different figure if “justified through a detailed, site specific transport assessment.”
7. The applicants have complied with this and the highway authority has not raised objection to the scheme subject to planning conditions and a s106 agreement covering matters such as the widening of Preston Street, works to Belvidere Bridge and a construction environmental management plan.

Timing of the development of the Riverside Park

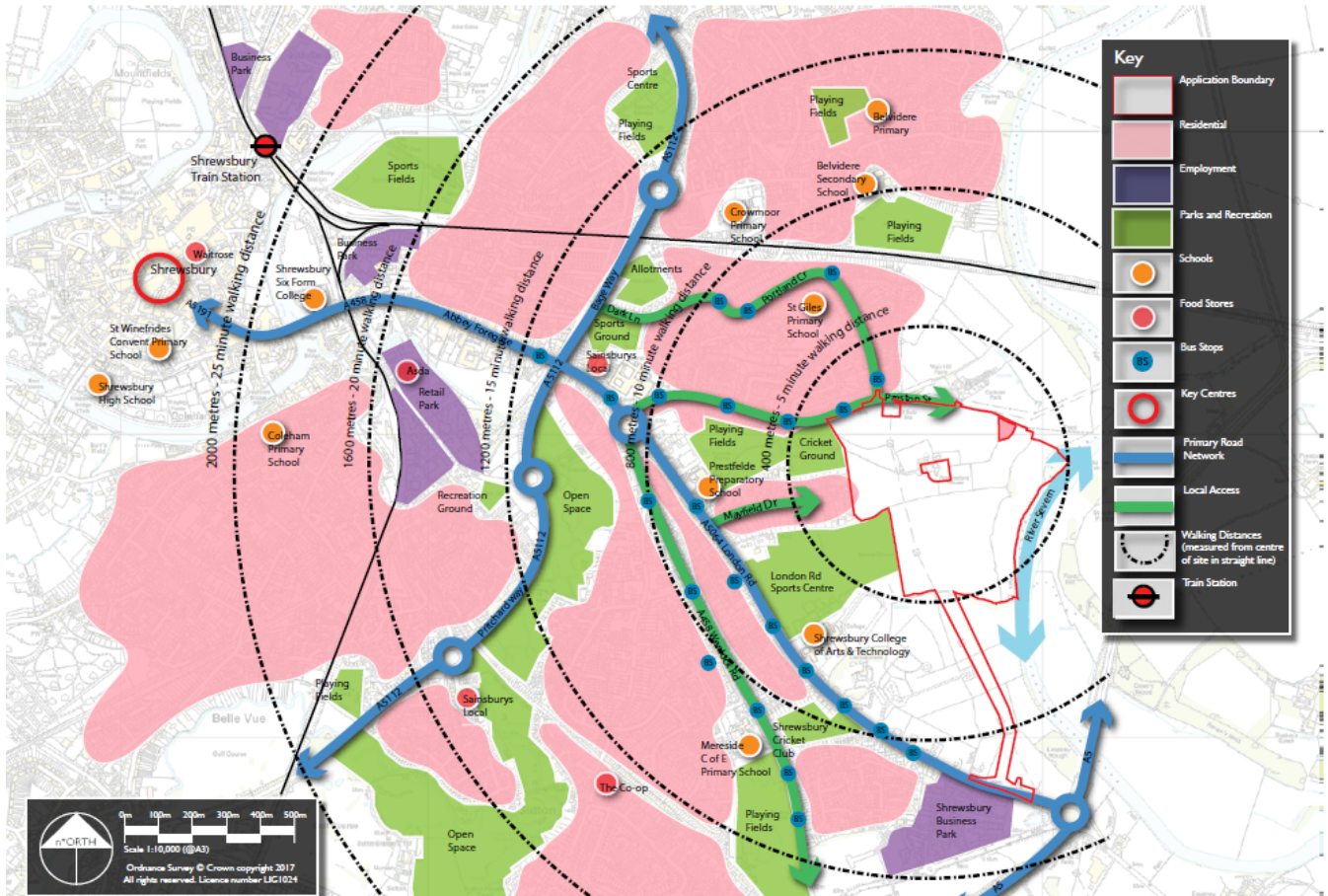
8. The Riverside Park will likely be released in two phases. This reflects the split nature of this hybrid planning application. Part of the application is full and would be developed as Phase 1 is built out. The rest of the site is an outline application. There is a considerable amount of equipped areas of play and other recreational space planned for Phase 1.

Footpath and cycle access to local infrastructure

9. Figure 1 overleaf from the Design and Access Statement accompanying the planning application shows the site’s connectivity to facilities in the surrounding area. The site is within walking or bus distance of a range of services. Its connectivity will be improved

(and this is theoretically a benefit for existing Preston Street residents too) when the London Road access is in.

Figure 1 Site access to local facilities and services



10. The Committee is reminded that the SAMDev site allocation does not require the developer to provide any on site retail, employment or other built social infrastructure. The site is significantly below the threshold of a Sustainable Urban Extension (typically a minimum of 750 homes) where this infrastructure is sought.

Other matters

- 11. Two more representations have been submitted.
- 12. One resident of Sunfield Park immediately to the west of the application site has written to ask how the open space adjacent to Sunfield Park will be used. The landscape plan shows this space being used as open space with a mix of grassland, native planting and a hedgerow screen. It will not have any play equipment. That does not rule out the possibility that some children might play on it from time to time.

13. Severn Trent Water have asked for an additional planning “Grampian style” condition which would restrict the occupation of any houses until Severn Trent Water have carried out foul sewerage improvements.

No dwelling shall be occupied until the need for foul sewerage improvements has been investigated and the resulting foul sewerage improvements have been fully implemented and completed by Severn Trent Water Limited.

Reason - To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

14. They state that the area was modelled seven years ago but Severn Trent Water need to do some additional modelling and this will not be done till April 2018. They have asked for this condition on a precautionary basis.
15. This is a new representation when Severn Trent Water had previously raised no objection. There is already a statutory duty on Severn Trent Water to provide such connections under the Water Industry Act 1991. Hence, there is no need for a further planning condition that duplicates powers available under other legislation.
16. The detailed landscaping around the boundary with Robertswood Farm has been adjusted slightly to address concerns raised by that owner to ensure a crossover is not covered by hedgerow. The case officer has met with the owners of Robertswood Farm to review this revision. This revision is acceptable.

Conclusion

17. This new information does not alter officers’ views that this planning application should be approved.

Recommendation:- Grant Permission subject to a s106 legal agreement and the conditions set out in the report to the 23 November 2017 Committee meeting (refer Appendix 1 to this report)

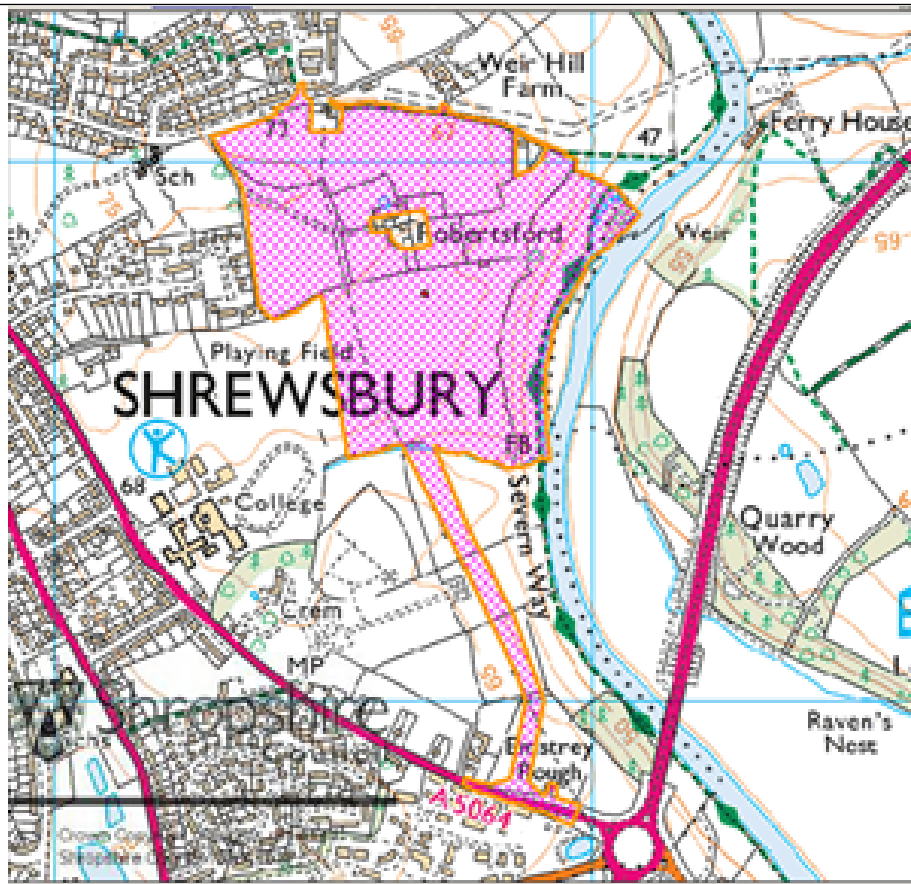
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Recommendation:- Grant Permission subject a s106 legal agreement and the conditions set out in Appendix 1 and any amendments considered necessary by the Planning Services Manager

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 Robertsford 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 250th 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)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Ted Clarke Cllr Jane Mackenzie Cllr Tony Parsons
Appendices APPENDIX 1 - Conditions

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 250th 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:

- a) 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
- b) 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.

The Planning Application was considered at Planning Committee on the 23rd November 2017 and deferred for further consideration in the context of Members request for further information in relation to;

- The background to the trigger point for the requirement of the London Road access;
- The timing of the development of the open space and Riverside Park; and
- Further detail in relation to footpath and cycleway connectivity from the site to existing development and facilities in the wider area.

Taking these in turn, the following information is provided to assist;

London Road Access Trigger

The Site Allocations and Management of Development (SAMDev) Plan forms part of the Council's adopted Development Plan. It allocates the application site for housing development. The Plan was Submitted to the Secretary of State for Examination on the 1st August 2014, an Independent Inspector appointed and Examination Hearings took place between 11th November and 18th December 2014.

The Inspectors Report to the SAMDev Examination was published in November 2015. The Inspector specifically considered the terms of the allocation of this land at Weir Hill and stated as follows **"261.Housing allocation site SHREW027 (Land at Weir Hill Farm / Robertsons House, Preston Street and adjoining Land off London Road) is expected to generate 550 – 600 dwellings. Vehicular access is to be restricted by way of the number of dwellings that can be accessed off Preston Street (a maximum of 150 dwellings) and London Road (approximately 400-450) with no direct route for traffic being permitted. Access off Preston Street is subject to highway improvements to Preston Street and the Column roundabout. Some detailed assessments have now been carried out by the Transport Consultants acting for the site promoters. The work has been progressed in consultation with the local highway authority and the Highways England. The work indicates that a through link between Preston Street and London Road could provide a greater benefit to the highway network with greater flexibility on the amount of dwellings to be served off Preston Street.**

262.The suggested removal of the restriction to the access off Preston Street is not supported by many local residents. However, for a Local Plan to be sound, policies must be justified. In this instance, there is no substantive evidence to support such a restriction in highway safety terms at this stage. Amended wording, as suggested by the Council, would enable greater flexibility offering an opportunity for a detailed highway assessment to be submitted to demonstrate the suitability or otherwise of Preston Street to accommodate an access serving more than 150 dwellings and whether a through route is feasible without compromising highway safety or the living conditions of existing and future residents. This would ensure the policy is flexible and positively worded so that it does not impose policy burdens that are not justified and may threaten the delivery of a site. Accordingly a main modification specifying an approximate figure of 150 dwellings to be served off Preston Street, unless justified through a detailed, site specific transport assessment is appropriate and necessary (MM186)."

“Insert text to development guidelines to S16.1 site SHREW027 to read:

“Co-ordinated development of two linked sites with new footpaths/cycleways and bus route through the development ~~but not~~ 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 – ~~a maximum of 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;” (Text removed from the original SAMDev shown and additional text added is underlined)

The Inspectors Report on the SAMDev stated that “This report concludes that the Shropshire Site Allocations and Management of Development Plan provides an appropriate basis for the planning of the County, providing a number of modifications are made to the plan.” Without the Main Modifications to the Plan it is reasonable to conclude that the SAMDev Plan would not have been found sound and would have been rejected. The SAMDev Plan was adopted as part of the Council’s Development Plan on the 17th December 2015.

Key from the above is that;

- The issue of the number of dwellings to be served from Preston Street and the issue of a through route between London Road and Preston Street were both known to the Inspector and considered. He was well aware this was an issue of concern to local residents
- There was “no evidence” to support the 150 restriction to the number of dwellings to be served from Preston Street
- To impose a restriction without flexibility would not have been sound or justified, both key tests in assessing the SAMDev Plan at the Examination
- The changes to the Plan were specifically necessary and appropriate in order to provide the appropriate flexibility in the 150 dwelling trigger and ensure it is set by reference to a proper and detailed Transport Assessment at the time of a future planning application

The planning application here was submitted to the Council in April 2017. It was accompanied by a Transport Assessment, dated March 2017. In the preparation of the Transport Assessment, both Shropshire Council and Highways England were contacted in order to agree the scope and requirements for the Assessment as is good practice and all relevant correspondence is provided in the Assessment. The Transport Assessment sets out a detailed methodology of how it was prepared and evaluates a range of highway factors relating to the development and its effect on the surrounding highway network and in particular the impact the development will have on surrounding junctions. Automated and

Manual Traffic Counts were undertaken in June 2015 in both AM and PM peaks. The Transport Assessment includes especially;

- A detailed assessment of the existing highway network in order to highlight the current accessibility to the site;
- An investigation into the location and condition of pedestrian and cycle routes close to the site in order to demonstrate accessibility to the site via sustainable modes;
- An investigation into the existing public transport routes and their proximity to the site;
- The availability of local facilities;
- Consideration of the likely impact of the development upon the surrounding highway network including future factored flows to 2026 in line with best practice. This impact included an analysis of impacted junctions as agreed with Shropshire Council including A5 Emstrey Roundabout; A5/A49 Roundabout; A5/A5112 Roundabout; Column Roundabout; Reabrook Roundabout; Crowmere Road Roundabout; Telford Way Roundabout; Heathgates Roundabout; Portland Crescent/Belvidere Road Priority Junction; Belvidere Road/Crowmere Road Priority Junction.
- Consideration of the likely impact of the development on the Strategic Road Network (SRN), particularly the Bayston, Emstrey and Preston Boats junctions of the A5, the impact being assessed through VISSIM modelling of the network as agreed with Highways England;
- Consideration of access to the development site, via the construction of newly formed priority controlled junctions onto Preston Street and London Road respectively, and;
- A study of personal injury accidents, within a 5 year period, to assess the safety of the local highway network, and potential impact the development may have, if any.

The Transport Assessment provides the most detailed up to date evidence based assessment and justification for the level of development which can be accessed from Preston Street in advance of the completion of the link to London Road being open to all traffic, and indeed, argues that the entire development could be served from Preston Street without severe impacts to the surrounding highway network. The Planning Application was submitted with a proposal that occupations would be restricted to no more than 365 dwellings until the delivery of the London Road access. This was later amended by the applicants to a reduced figure of 250 dwellings, as a direct response to feedback received through the application process and is the subject of a proposed planning condition to give the local authority the ability to manage housing delivery in accordance with the principles of the application and the adopted SAMDev. Detailed arrangements for the control of construction traffic are set out in the report and refer to the submission of an updated Construction Environmental Management Plan which will be agreed in consultation with local Members.

Open Space Delivery;

The green space within the development will be set out to an agreed specification and design which is subject to conditions and obligations within the s106. Its delivery will be phased in accordance with the principles of the planning application and the s106, which will set out arrangements for the phased delivery of the open spaces, which on completion, will be accessible to all in perpetuity; both new and existing residents in the area alike. It will also be subject to a required management regime which will either be undertaken by

the Town Council (subject to commuted sum arrangements) or by a Management Company but at all times to an agreed regime controlled by Shropshire Council which again is set out in the s106.

The requirement for the public open space only arises from the occupation of the proposed houses so it would only be reasonable in planning terms to seek provision of the open space as the development is built over time. It is worth noting that the open space is spread appropriately throughout the development and therefore it would be impossible to construct all the open space from the outset as much of the open space wouldn't have any development context if constructed in advance and in isolation. The Phase 1 application area will deliver all its required public open space as will the Phase 2 area deliver all of its required open space when completed. Both phases of the application are distinct, defined in the application plans and can, independently, provide areas of high quality open space that can be enjoyed by local residents and the wider area for years to come.

Any obligation to provide the public open space in planning terms should be reasonable and relevant to the principles of the application to meet appropriate planning tests. It is normal practice and widely recognised to set out appropriate trigger points for the delivery of the open space in the s106 and the current draft s106 includes arrangements such that all the open space for Phase 1 of the development will be completed by the occupation of 325 homes which is in advance of the total number of properties that are proposed within that phase.

The report explains that in overall terms and by phase that the open space areas provided exceed the amount of open space required in policy terms for a development of this size and nature. The above ensures that the open space, to the agreed specification, will be delivered proportionately to the delivery of the proposed housing in line with the proper planning tests and is relative to the principles of the planning application whilst also generally consistent with the approach taken on other sites in Shropshire and elsewhere.

Local Services and Facilities;

The site's accessibility to local services and facilities is a relevant planning consideration but it has to be had in mind that the principle of the development of the site and its suitability for housing is already set out in the adopted SAMDev which allows for the development of up to 600 new homes in this location. Shrewsbury is of course the main Town within Shropshire and the SAMDev provides for a commensurate level of development in the Town in recognition of its relative sustainability and range of services and provisions. This site, different to the larger Urban Extension sites in the Core Strategy, is allocated solely for housing and there is no requirement in the SAMDev for the site to provide other mixed uses, shops or services recognising that there are local services and facilities already available in the immediate area.

Not all facilities need to be immediately available to the development and some services and facilities may be nearer than others which is not unreasonable or out of keeping for most new developments.

A footpath link to the adjacent Shrewsbury College of Arts and Culture, (SCAT), has been discussed that could be provided up to the common boundary of the development and SCAT, which, may be possible as part of the Phase 2 application in due course.

The Submitted Design and Access Statement and Transport Assessment both review the site's proximity to local services and facilities including distances and calculated walking and cycling times. By way of some examples the following is taken from the Transport Assessment;

	Approx. Distance (m)	Approx. Journey Time (minutes)*	
		Walking	Cycling
Prestfelde Preparatory School	920	11	4
Shropshire Council Offices	1050	13	4
St Giles C of E Primary School	1100	13	5
'The Shire Fryer' Café	1150	14	5
Convenience Shop/Newsagents	1150	14	5
Belvidere Medical Practice	1170	14	5
Sainsbury's Supermarket	1230	15	5
'The White Horse' Public House	1250	15	5
'The Peacock' Public House	1250	15	5
Shrewsbury Fish Bar	1390	17	6
'The Old Bell' Public House	1400	17	6
London Road Sports Centre	1650	20	7
Pharmacy	1650	20	7
Shrewsbury College of Arts and Technology	1650	20	7
Shrewsbury Business Park	1750	21	7
Abbey Foregate Post Office	1750	21	7
The Dun Cow' Restaurant	1800	21	8
Home Bargains	1830	22	8
The Belvidere School	1870	22	8
Belvidere Indian Restaurant	1870	22	8
Crowmoor Primary School	1920	23	8

Mereside C of E Primary School	2020	24	8
Shrewsbury Cricket Club	2040	24	9
Shrewsbury Rail Station	3290	39	14

The attached Plan, (Fig 02/01: Local Context), from the Design and Access Statement illustrates the approximate location of principal facilities. Generally, it would be unreasonable to argue in the context of the Council’s SAMDev and development strategy that this site on the edge of the main Town of Shrewsbury is anything other a highly sustainable location for new housing in accessibility terms

These, of course, need to be considered alongside the proposals that will be provided within the development which include new areas of equipped children’s play space, high quality areas of public open space that will perform a range of functions to include footpath and cycleways that will benefit a range of user groups; and of course, the riverside park that will offer an opportunity for the community to enjoy greater public access and riverside walks and areas of bio diversity along with elements of informal play, which is in accordance with the SAMDev.

The potential for other offsite improvements by way of enhanced formal sports facilities that can be secured through the Community Infrastructure Levy payable as a result of the development should also not go unrecognised.



Committee and date
 Central Planning Committee
 18 January 2018

Item
6
 Public

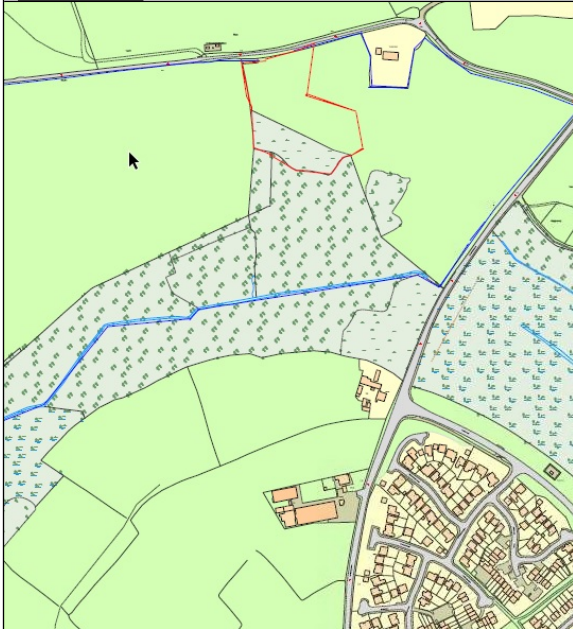
Development Management Report

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

Summary of Application

<u>Application Number:</u> 17/04363/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Creation of a concierge 10 unit glamping site for tourism and leisure operation (using previously approved vehicular access); formation of car parking area		
<u>Site Address:</u> Proposed Concierge Glamping Site at Hencote Farm, Cross Hill, Shrewsbury, Shropshire		
<u>Applicant:</u> Mr Andrew Stevens		
<u>Case Officer:</u> Vincent Maher	<u>email:</u> planningdmsw@shropshire.gov.uk	

Grid Ref: 348957 - 315239



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 Permission is sought to create a camping site comprising 10 “concierge safari camping units”. Each unit would be constructed in canvas and would measure 10m long, and 4.15m wide with an additional eating out area and up to 4m in height. Each unit would have its own shower/ WC. A communal car parking area would be located adjacent to these units. The applicant has indicated that the site and car park would be landscaped.
- 1.2 The area forms part of a larger site which benefits from a recent grant of planning permission for a winery and visitor centre (15/03349/FUL) at Hencote Farm and which has just completed its third year of grape production. The applicant has submitted a statement accompanying the application that identifies how the glamping site will both operate as a standalone attraction as well as one which will support and complement the Hencote winery and wider area.
- 1.3 The glamping site and winery would be accessed off Ellesmere Road from a new access approved in 2017 (17/00905/VAR) as part of the winery/ visitor centre permission.
- 1.4 The application is accompanied by the following documents:
- Service and Utilities Layout (inc drainage) 1:500 A1 015/072 and details of an ecogrid grass surface system
 - Design and Access Statement
 - Planning Supporting Statement
 - Two ecological survey updates
 - Visual impact report
- 1.5 The applicant has submitted other material associated with the winery application including a travel plan.
- 1.6 The application has been amended since first submission in response to the Council ecologist’s initial comments about the potential for foul drainage to run off into the Old River SSSI to the south. Drainage has been removed from the application and will be located elsewhere on the winery site. This would be controlled via a planning condition.
- 2.0 SITE LOCATION/DESCRIPTION**
- 2.1 The application site is within the grounds of the winery to the west of the A528 Ellesmere Road, to the north of Shrewsbury and accessed via Hencote Lane, which is a narrow privately owned lane. A public right of way runs along this lane before branching off to the north west opposite the north eastern corner of the application site.
- 2.2 The site is relatively isolated, being bounded by agricultural land to the east and south, Hencote Lane to the north and the winery/ visitor centre to the west with the railway line beyond. The nearest neighbouring property is the White House.

2.3 The site adjoins a local wildlife site to the south. There are two statutory ecological sites located close to the site too: the Old River Bed SSSI and Hencote Pool SSSI. This forms part of the 'Meres and Mosses' series of open water and peatland habitats that occur in north Shropshire and Cheshire.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 Cllr Alex Phillips has asked for the application to be determined by Committee. Shrewsbury Town Council has objected to the application too. The Chair of the Committee has determined that this application should be determined by the Central Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

- Consultee Comments

SC Archaeology: No objection.

New road access already subject to an archaeological watching brief. Current proposal involves limited additional groundworks. Further archaeological mitigation not required.

SC SUDS: Comment

Recommend informative for sustainable drainage scheme for disposal of surface water.

Natural England: No objection.

Our records show that the watercourse lying immediately downhill from the proposal site (and into which any drainage from the proposal might be expected to flow) flows west, away from the SSSI. Strangely however the corresponding watercourse lying east of the A528 Ellesmere Road is shown as flowing east. This suggests that the road itself forms some sort of watershed.

With mitigation such as a suitably designed SUDS proposal (e.g. by means of a planning condition) the surface water outflow from the proposal should not have an adverse effect on the notified features of the SSSI.

SC Ecology: No objection following receipt of revised plans. Has reviewed ecological information and advised on conditions and informatives.

SC Highway: No comments received

Shrewsbury Town Council: Objection

Members did not object to the principle of having a glamping site at this location but had concerns about how exposed the site is and therefore what the view will be like from the Ellesmere Road. They would like to see further information about the landscaping proposals and artist impressions to illustrate how the site fits into the surrounding countryside.

Shropshire Fire and Rescue Services: Comment

Development may need additional fire precautions. Recommend adequate access for emergency vehicles (to be addressed at Building Regulations stage).

- Public Comments

Shrewsbury Civic Society: Objection

Keen to support Shrewsbury's businesses. Notes there are several planning consents for economic activity off Hencote Lane. Much of this will be dependent on a new access road, whose construction has not started.

Application should be seen in context of a coming active and busy area which was, until recently, livestock farmland. The plans appear to lack sensible incremental growth and could be in danger of a further spread of economic developments. Consequently, it appears that it is peremptory and that the area is too quickly becoming a significant rural attractions destination.

Whenever a new road is built it tends to create spaces that can be infilled by development. Here, land above the new access road is planned as a car park, creating another visual intrusion.

Understand Town Council's request for more detailed information. For example, submitted elevations appear to show coloured fabric roofing. This is potentially highly visually arresting for such an elevated position that oversees several parts of the town. The plans to ameliorate visual intrusion by planting are appreciated but should be robustly conditioned if the application is allowed.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structures
- Visual impact and landscaping
- Ecology
- Impact on the occupants of the White House and other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site is located in the open countryside north of Shrewsbury where Core Strategy (CS) Policy CS5 applies. This imposes strict controls on new development. However, proposals on appropriate sites which maintain and enhance the vitality and character of the countryside will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. This is particularly where they relate to sustainable rural tourism and countryside recreation proposals in accordance with CS Policies CS16 and CS17 which seek to promote high quality visitor accommodation that are appropriate to their location while respecting the county's environmental assets. Policy CS13 seeks to support farming but also other complementary economic activity such as green tourism and leisure consistent with the NPPF (paragraph 28).

6.1.2 At face value, a new tourist development in combination with the adjacent winery/ visitor centre and in relatively close proximity to Shrewsbury could therefore theoretically complement the existing accommodation offers in and around the town and contribute (albeit in a modest way) towards supporting a prosperous local rural economy too but would need to be carefully controlled and managed. The development is of a scale that complements the relatively small scale of the winder consistent with SAMDev Policy MD11. There is therefore no objection to the

principle of the development at this site.

6.2 Siting, scale and design of structure

6.2.1 The “safari units” would be of canvas construction. The submitted illustrative plans show muted green and clay colour structures. These appear appropriate in this rural setting. The proposals are not permanent structures and a raft of conditions has been proposed to confirm they are not. This is consistent with SAMDev Policy MD11.

6.2.2 Mindful of its rural setting, the applicant proposes low level lighting. This will be controlled via a planning condition too.

6.3 Visual impact and landscaping

6.3.1 A Visual Impact Report has been submitted with the application. The report notes the site is in open countryside albeit in a landscape that has no statutory or non statutory designations and that short and medium visibility is restricted to relatively few locations and a very short section of Ellesmere Road.

6.3.2 The visual impact of the development is then assessed from five locations. The findings are that the most sensitive part of the site is when viewed from the north east corner of the site. This would need to be mitigated if the field gate is removed and the hedgerow gap planted up.

6.3.3 Officers concur with this analysis and have no landscape objections to the proposal. A landscaping condition is proposed that will also minimise any impact on the living conditions of residents of The White House and promote chances for improved habitat for wildlife.

6.4 Ecology

6.4.1 An ecological study confirms the site consists of improved grassland, intact hedgerows, defunct hedgerows, scattered scrub, scattered trees and fencing providing poor quality reptile habitat. It has limited bat roosting potential. There are no signs of badger habitation.

6.4.2 Natural England do not object to the proposals. The Council ecologist has reviewed the information submitted and has not objected either subject to conditions covering lighting and the creation of a buffer to the local wildlife site to the south.

6.5 Impact on the occupants of the White House and other matters

6.5.1 The glamping site is some distance from the house and facilities at Hencote Farm. Theoretically, the glamping site could be run separately as a standalone facility at a later date. By contrast, the dwelling at White House is a significant distance away at its closest point to the proposed glamping pods and separated from it by the road access approved under application 17/00905/VAR. A site management plan condition is proposed to formalise how the proposal would be managed as well as a control requiring the applicants to maintain a register of campers using the facility consistent with CS Policy CS6 and advice in the NPPF (paragraph 123) and to ensure that the living conditions of residents of the White House are protected. The Council also has Public Protection powers that it can use to enforce noise nuisance or other forms of disturbance.

The lighting condition will mitigate the visual impact of any permanent structures and protect the habitat value of adjacent land too.

6.5.2

7.0 CONCLUSION

7.1 This is a modest proposal that will complement the tourist offer associated with the existing winery on the site and add to the range of accommodation offers in the area. The proposal will have a minimal overall impact on the landscape and there are controls in place to protect the living conditions of residents of the White House. Accordingly, it is recommended that planning permission be granted.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. BACKGROUND

Relevant Planning Policies

National Planning Policy Framework

Shropshire Core Strategy:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

SAMDev Plan

MD2 - Sustainable Design

MD11 - Tourism Facilities and Visitor Accommodation

RELEVANT PLANNING HISTORY:

15/03349/FUL Erection of a winery, visitor centre (to include a restaurant and event hall) and maintenance building; formation of court yard, service yard, visitors car parking; landscaping to include boundary fencing and entrance gates; associated facilities GRANT 24th March 2016

16/05123/DIS Discharge of Conditions 3 (External Materials), 4 (Access), 5 (Access), 6

(Visibility Splays), 7 (Construction Management Plan), 8 (Drainage), 9 (Details of External

Plant), 10 (Archaeological Work), 11 (Landscaping Plan) attached to planning permission

15/03349/FUL Erection of a winery, visitor centre (to include a restaurant and event hall) and maintenance building; formation of a courtyard, service yard, visitors parking; landscaping to include boundary fencing and entrance gates; associated facilities DISAPP 2nd May 2017

16/05135/AMP Non-material amendment relating to planning permission 15/03349/FUL -

Erection of a winery, visitor centre (to include a restaurant and event hall) and maintenance building; formation of court yard, service yard, visitors car parking; landscaping to include boundary fencing and entrance gates; associated facilities PCO

17/00905/VAR Variation of Condition 2 of planning permission 15/03349/FUL Erection of a winery, visitor centre (to include a restaurant and event hall) and maintenance building;

formation of court yard, service yard, visitors car parking; landscaping to include boundary fencing and entrance gates; associated facilities GRANT 23rd May 2017

17/04363/FUL Creation of a concierge 10 unit glamping site for tourism and leisure operation (using previously approved vehicular access); formation of car parking area PDE

PREAPP/15/00219 Proposed erection of a winery and visitor centre, car parking and associated facilities PREAIP 5th June 2015

associated facilities PREAIP 5th June 2015

15/03349/FUL Erection of a winery, visitor centre (to include a restaurant and event hall) and maintenance building; formation of court yard, service yard, visitors car parking; landscaping to include boundary fencing and entrance gates; associated facilities GRANT 24th March 2016
16/01596/FUL Change of use from Holiday lets to a Private Hotel (C1) useage. GRANT 9th June 2016

16/05123/DIS Discharge of Conditions 3 (External Materials), 4 (Access), 5 (Access), 6 (Visibility Splays), 7 (Construction Management Plan), 8 (Drainage), 9 (Details of External Plant), 10 (Archaeological Work), 11 (Landscaping Plan) attached to planning permission

15/03349/FUL Erection of a winery, visitor centre (to include a restaurant and event hall) and maintenance building; formation of a courtyard, service yard, visitors parking; landscaping to include boundary fencing and entrance gates; associated facilities DISAPP 2nd May 2017

PREAPP/17/00315 Creation of Glamping Site PCO

17/04363/FUL Creation of a concierge 10 unit glamping site for tourism and leisure operation (using previously approved vehicular access); formation of car parking area PDE

SA/88/1380 Conversion of existing outbuildings adjacent to the main residence to make additional guest room facilities. PERCON 20th January 1989

SA/84/0330 Restoration to change the use of existing vacant brick farm building into 6 no. dwellings with garaging for 10 no. cars. REFUSE 1st May 1984

SA/00/0081 Conversion of agricultural buildings into 4 no. self contained holiday cottages, installation of new windows and rooflights, provision of parking area and installation of new septic tank and soakaways and provision of 6 car parking spaces. PERCON 24th May 2000

SA/08/1007/F Erection of an orangery to rear following demolition of existing porch PERCON 3rd October 2008

SA/07/1714/F Erection of a single storey extension to house indoor swimming pool with associated plant room, store and changing facilities following demolition of existing pool

PERCON 14th January 2008

SA/07/0619/F Erection of a covered swimming pool, shower, toilet and plant room, following demolition of existing PERCON 15th June 2007

SA/07/0375/F Erection of a single storey extension to rear, porch to front and installation of a dormer window PERCON 18th April 2007

SA/06/1805/F Erection of a covered swimming pool following demolition of existing WDN 15th February 2007

SA/06/1803/F Erection of a single storey side extension and insertion of two dormer windows WDN 15th February 2007

SA/05/1707/F Erection of a single storey side extension following demolition of existing swimming pool PERCON 13th January 2006

SA/05/1687/F Erection of a covered swimming pool with changing/toilet facilities following demolition of existing garage blocks PERCON 12th January 2006

SA/01/1116/F Erection of single storey extension to provide enlarged dining room and kitchen following removal of existing conservatory. PERCON 28th September 2001

Appeal

84/01034/REF Restoration to change the use of existing vacant brick farm building into 6 no. dwellings with garaging for 10 no. cars. DISMIS 8th August 1985

11. ADDITIONAL INFORMATION

View details online:

<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)

None.

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Alex Phillips

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 proceed until a detailed car parking and lighting plan has been submitted to and approved in writing by the local planning authority. The plan shall show details of on site lighting (number of lights and levels of lighting) and to confirm the areas, layout and materials to be used in the proposed car parking area.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. 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).

The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: In the interests of the visual amenity of the countryside, to ensure safe access to and around the site and to minimise disturbance to bats which are a European protected species.

4. No development shall take place until a site management scheme for visitors has been submitted to and approved in writing by the local planning authority. The scheme shall cover the following matters:
- how guests will be welcomed and inducted on site;
 - measures that will be taken to manage on site activity to prevent fires and noise, to control pets on site, and to mitigate the potential for social behaviour; and
 - details of refuse management including where bin stores will be located on site and how refuse and recycling facilities will be collected.

The development shall be implemented and the site thereafter managed on first occupation in accordance with the approved scheme.

Reason: In the interests of amenity.

5. 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') and a scheme of bat boxes have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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

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

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

7. Prior to first occupation of the development, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority.

A minimum of 2 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

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

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

8. All safari units shall be de-commissioned to ensure non-occupancy between 1st November and 28th February in the succeeding year.

Reason: In the interests of the amenity of the area and to prevent a permanent settlement being established on site contrary to the provisions of the development plan.

9. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 1987, the development hereby permitted shall be used to provide holiday accommodation only and they shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any recognised settlement and is in an area where unrestricted residential accommodation would not be appropriate. The lodges are permitted as they provide holiday accommodation.

10. A register shall be maintained of the names of occupiers of the units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the local planning authority.

Reason: General residential development in this location would be contrary to adopted local and national policy.

Informatives

1. NPPF

In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.

2. Sustainable urban drainage

It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.

3. Bats and trees informative

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

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) particularly the Oak identified by Pearce Environment Ltd as having bat roost

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

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

4, Nesting bird informative

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

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

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

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

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

5. Badgers informative

Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site.

There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.

6. Landscaping informative

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

7. Great crested newts informative

Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

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

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<u>Committee and date</u>
Central Planning Committee
18 January 2018

<u>Item</u>
7
Public

Development Management Report

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

LPA reference	17/01510/OUT
Appeal against	
Appellant	Mr Ian Groves
Proposal	Outline application for the erection of a single dwelling (all matters reserved)
Location	12 Arscott Shrewsbury
Date of application	30.03.2017
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	09.06.2017
Date of appeal	18.07.2017
Appeal method	Written Representations
Date site visit	20.11.2017
Date of appeal decision	12.12.2017
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

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Appeal Decision

Site visit made on 20 November 2017

by **Alexander Walker MPlan MRTPI**

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

Decision date: 12th December 2017

Appeal Ref: APP/L3245/W/17/3180278

12 Pound Lane From Track at Gypsy Coppice to Junction With Shrewsbury Road, Arscott, Pontesbury SY5 0XP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ian Groves against the decision of Shropshire Council.
 - The application Ref 17/01510/OUT, dated 24 March 2017, was refused by notice dated 9 June 2017.
 - The development proposed is the erection a single residential dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on this basis.
3. Both parties have had the opportunity to comment on the recent judgement of *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin)*. I will address this letter in this decision.

Main Issues

4. The main issues are whether the proposal accords with the Council's housing strategy, with particular regard to its location, and its effect on biodiversity.

Reasons

Housing Strategy

5. Policy CS1 of the Shropshire Council Adopted Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. The policy goes on to state that development in rural areas will be predominantly in Community Hubs and Community Clusters.
6. Policy S10 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015 identifies Ludlow as the largest market town in southern Shropshire and that new housing development will be delivered primarily on the allocated housing sites east of the A49 alongside additional

- infill and windfall development within the town's development boundary. The proposal does not fall within the settlement boundary of Ludlow.
7. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. The appeal site lies within the hamlet of Arscott, which comprises a small collection of sporadic dwellings and farmsteads. Arscott is approximately 1.5 miles from the nearest Community Cluster settlement of Hanwood and Hanwood Bank. Accordingly, for the purposes of the development plan, the appeal site is considered to be located within the open countryside.
 8. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5.
 9. In support of Policy CS5, Policy MD7a of the SAMDev states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. It sets out various types of residential development that would be permitted in the countryside, including exception site dwellings, residential conversions and essential rural workers' dwellings. As the proposal is for an open market dwelling in the open countryside it would fail to satisfy Policies CS5 and MD7a.
 10. The Council confirms that they have a five year supply of deliverable housing land. The appellants state that some of the sites with permission have since expired. However, there is no substantive evidence to support this assertion. Therefore, based on the evidence before me, I am satisfied that the Council do have a five year supply of deliverable housing land and paragraph 49 of the National Planning Policy Framework (the Framework) is not engaged. The SAMDev has relatively recently been adopted and found to be in accordance with the Framework. In addition, I find no inconsistency between the relevant policies within the CS and the Framework. The development plan has policies that are relevant to the supply and location of housing against which the appeal proposal can be considered. Accordingly, the relevant policies are considered to be up to date and consistent with the Framework. As such, bullet point 4 of paragraph 14 of the Framework is also not engaged.
 11. The proposal is for an open market dwelling outside any settlement identified for housing growth. I find therefore that the proposal would fail to accord with the Council's housing strategy, as embodied in Policies CS1 and CS5 of the CS and Policies MD1, MD7a and S10 of the SAMDev. Furthermore, it would fail to accord with the housing supply objectives of the Framework.

Biodiversity

12. Paragraph 99 of Circular 06/2005 'Biodiversity and Geological Conservation-statutory obligations and their impact within the planning system' ODPM states that developers should not be required to carry out surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in

- place, through conditions and/or planning obligations, before the permission is granted.
13. The Council contend that the proposal has the potential to affect Great Crested Newts due to the presence of a pond on the site and three other ponds between 130m and 150m of the site. Accordingly, there is a reasonable likelihood of the protected species being present and affected by the development. As such, I consider that an Ecological Assessment is required. No such assessment has been submitted.
 14. I note the appellant's contention that an assessment could be the subject of a condition if I was minded to allow the appeal. However, such conditions should only be imposed in exceptional circumstances. There is no evidence before me to suggest that there are any such exceptional circumstances in this instance.
 15. I find therefore that in the absence of an ecological assessment of the appeal site it is not possible to ascertain the effect the dwelling would have on protected species. Therefore, the proposal would fail to comply with Policy CS17 of the CS, which, amongst other matters, seeks to protect the ecological value of the area. Similarly, it would fail to accord with paragraph 109 of the Framework, which states that development should conserve and enhance biodiversity.

Other Matters

16. In their reason for refusal the Council cite Policy MD13 of the SAMDev. This policy relates to the historic environment. There is no evidence before me that the proposal would have any effect on the historic environment and therefore I do not consider this policy to be relevant.
17. I appreciate the appellant's personal circumstances and the reason for the dwelling in order to care for his father and to stay in their local community. However, there is no substantive evidence before me to demonstrate that these represent exceptional circumstances that would outweigh the harm the proposal would have by virtue of undermining the Council's housing strategy and the potential harm it would have on biodiversity.
18. I have had regard to the dwellings granted planning permission referred to me by the appellant. There is no evidence before me regarding the details of these schemes or whether the policy context in which they were considered was reflective of the current policy context. Accordingly, I can only attribute these matters very limited weight.
19. I have also had regard to the concerns raised regarding the access to the site. However, there is no substantive evidence before me that the proposal would result in any severe harm to highway safety.

Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory primacy of the development plan is reinforced in paragraphs 196 and 210 of the Framework and its first core principle is that planning should... "be genuinely plan-led."

21. The proposal would provide some economic benefit, albeit limited, by creating construction jobs and using local materials. Furthermore, it would make a positive contribution, again albeit limited, to the supply of housing and would likely be developed in the short-term. However, as I have found that the development plan is not absent or silent, or the relevant policies out of date, the presumption in favour of sustainable development in paragraph 14 of the Framework does not apply. Whilst these benefits weigh in favour of the proposal, I do not find that, individually or cumulatively, they outweigh the harm it would have by virtue of it undermining the Council's housing strategy.
22. I have had regard to the recent judgment of 15 November 2017, concerning the interpretation of the term "isolated homes in the countryside" within paragraph 55 of the Framework. However, it that instance the Council could not demonstrate a five year supply of deliverable housing land and accordingly bullet point 4 of paragraph 14 of the Framework was engaged. As I have found that the Council can demonstrate a five year supply of deliverable housing land and bullet point 4 of paragraph 14 of the Framework is not engaged, in this instance, whether or not the proposal would be considered an isolated dwelling is not relevant.
23. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR