



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

Date: Wednesday, 7 February 2018

Committee: Central Planning Committee

Date: Thursday, 15 February 2018

Time: 2.00 pm

Venue: Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, 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 (Pages 1 - 6)

To confirm the Minutes of the meeting of the Central Planning Committee held on 18th January 2018.

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 14th February 2018.

4 Disclosable Pecuniary Interests

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

5 Land Between Preston Street & London Road, Shrewsbury - 17/01612/OUT (Pages 7 - 80)

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 Retail Unit East Of Unit 8 Meole Brace Retail Park, Shrewsbury - 17/00405/FUL - REPORT TO FOLLOW

Removal of existing structures and construction of an A1 (retail) unit; all associated works including car park alterations, access, servicing and landscaping.

7 Land Off Greenfields Recreation Ground, Falstaff Street, Shrewsbury - 17/05234/FUL (Pages 81 - 102)

Erection of 17 dwellings (including 2 affordable) to include new access road and associated parking (amended description).

8 Proposed Mixed Use Development Barker Street, Shrewsbury - 17/05171/FUL
(Pages 103 - 120)

Application under Section 73A of the Town and Country Planning Act 1990 for the erection of two 4 storey blocks and a 3 storey infill block for mixed use including student accommodation, A1 (retail), A2 (professional and financial services), B1 (offices) and D1 (non-residential institutions such as crèches, day nurseries and premises for education and medical or health services) with ancillary cycle and bin storage areas, car parking and new vehicular access on to St Austin's Street (amended description).

9 Shropshire Council, The Shirehall, Abbey Foregate, Shrewsbury - 17/06119/FUL
(Pages 121 - 136)

Change of use of former tennis courts to form additional council staff car parking for a temporary period of up to 2 years.

10 Schedule of Appeals and Appeal Decisions (Pages 137 - 156)

11 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 15th March 2018 in the Shrewsbury Room, Shirehall.

This page is intentionally left blank



Committee and Date

Central Planning Committee

15th February 2018

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 18 January 2018

2.00 - 3.56 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

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

Present

Councillor (Chairman)

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

91 Apologies for absence

An apology for absence was received from Councillor Ted Clarke (Substitute: Councillor Jane Mackenzie).

92 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 21st December 2017 be approved as a correct record and signed by the Chairman.

93 Public Question Time

There were no public questions or petitions received.

94 Disclosable Pecuniary Interests

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

With reference to planning applications to be considered at this meeting, Councillor Keith Roberts stated that he was a member of the Planning Committee of Shrewsbury Town Council. He indicated that his views on any proposals when considered by the Town Council had been based on the information presented at that time and he would now be considering all proposals afresh with an open mind and the information as it stood at this time.

95 Land Between Preston Street & London Road, Shrewsbury - 17/01612/OUT

The Principal Planning Officer introduced the hybrid planning application for a residential development of up to 600 dwellings, access, footpath/cycleway, 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/cycleway, public open space, landscaping, demolition of existing buildings and associated infrastructure; and Outline submission for (up to) 247 dwellings, footpath/cycleway, public open space, landscaping and associated development infrastructure (amended description) and confirmed that the Committee had undertaken a site visit on 23rd November 2017 to assess the impact of the proposed development on neighbouring properties and the surrounding area.

The Principal Planning Officer explained that at the Central Planning Committee meeting held on 23 November 2017, Members resolved to defer the application and drew Members' attention to the Schedule of Additional Letters which included representations from local residents, the Weir Hill Action Group, and the agent acting for the applicant. It was added that further representations from local residents had been received since the publication of the Schedule of Additional Letters (copy attached to the signed minutes). The Principal Planning Officer referred to the proposal from the agent to reduce further the maximum number of dwellings served from a single point of access off Preston Street to 225, with no more than 250 properties under construction until the London Road link was available for public use and advised the Committee that if they were minded to approve the application that condition 21 be amended as outlined in the Schedule of Additional Letters.

Mr Stuart Spiers, on behalf of the Weir Hill Action Group spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor David Vasmer joined the meeting at this point. (Due to not being present from the start of the item Councillor David Vasmer did not vote on this item.)

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

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

- The developer had not contacted local members to discuss the concerns raised at the meeting held on 23rd November 2017;
- She queried the relevance of the transport assessment and asked why local Members had not been alerted to the significance of the document; and

- The development required integration with the existing community and facilities on London Road.

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

- A footpath was required to link the development to London Road which would reduce the time taken by residents to access the existing services and community facilities on foot;
- He was concerned about the impact of construction traffic on local residents and did not feel that the proposed widening of Preston Street would help; and
- He queried why the London Road access could not be built from the start.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.2), Councillor Hannah Fraser, addressed the Committee as the adjoining local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During her statement, a number of points were raised including the following:

- The Developer had not listened to the concerns raised at the meeting held in November;
- The Riverside park should remain fully accessible during the construction period; and
- The development was poorly connected and residents would have to use their car to access services in the area.

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

In the ensuing debate, the majority of Members expressed the view that the developer had not addressed the concerns raised at the November meeting in relation to the impact of additional traffic and construction traffic on residents in Preston Street; the London Road access trigger point; and the lack of access to existing development and facilities in the area. Additionally Members queried the highway data provided in the transport assessment.

In response to Members, the Area HDC Manager (North) confirmed that there was a weight restriction on London Road and Wenlock Road and a draft Construction Environmental Management Plan to cover the routing of HGV traffic had been submitted with the application. He stressed that the transport assessment submitted by the applicant was considered robust and had been done in accordance with the Councils requirements. It was added that improvements to Preston Street were pivotal to any development on Preston Street and the Highways Agency had confirmed that with the proposed widening of Preston Street this access was suitable for use by construction traffic.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, the majority of Members expressed the view that the application should be deferred for further clarification in relation to the highway data in the transport assessment submitted by the applicant

RESOLVED:

That consideration of the application be deferred to a future meeting of this Committee for further clarification in relation to the highway data in the transport assessment submitted by the applicant.

96 Proposed Concierge Glamping Site at Hencote Farm, Cross Hill, Shrewsbury - 17/04363/FUL

The Principal Planning Officer introduced the planning application for the creation of a concierge 10 unit glamping site for tourism and leisure operation (using previously approved vehicular access); formation of car parking area. He confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area and drew Members' attention to the Schedule of Additional Letters which included a representation from a local resident.

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

- He explained that he had requested that the application be considered by the Committee and noted that he would be speaking from a neutral stance;
- He welcomed the economic benefit to the Town; and
- He wanted to draw attention to the conditions in appendix 1 and queried whether these were adequate for this site.

Having considered the submitted plans and listened to the comments made by the speakers, Members unanimously expressed their support for the Officer's recommendation subject to the following amendments to conditions 8 & 9:

- Condition 8 - the wording 'in the succeeding year' to be replaced with 'annually'.
- Condition 9 – the word 'lodges' to be replaced with 'units'.

RESOLVED:

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

- The Conditions as set out in Appendix 1 of the report;
- The following amendment to Condition 8 - the wording 'in the succeeding year' to be replaced with 'annually'; and

- The following amendment to Condition 9 – the word ‘lodges’ to be replaced with ‘units’.

97 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 18th January 2018 be noted.

98 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 15th February 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

This page is intentionally left blank



<u>Committee and date</u>
Central Planning Committee
15 February 2018

<u>Item</u>
5
Public

Development Management Report

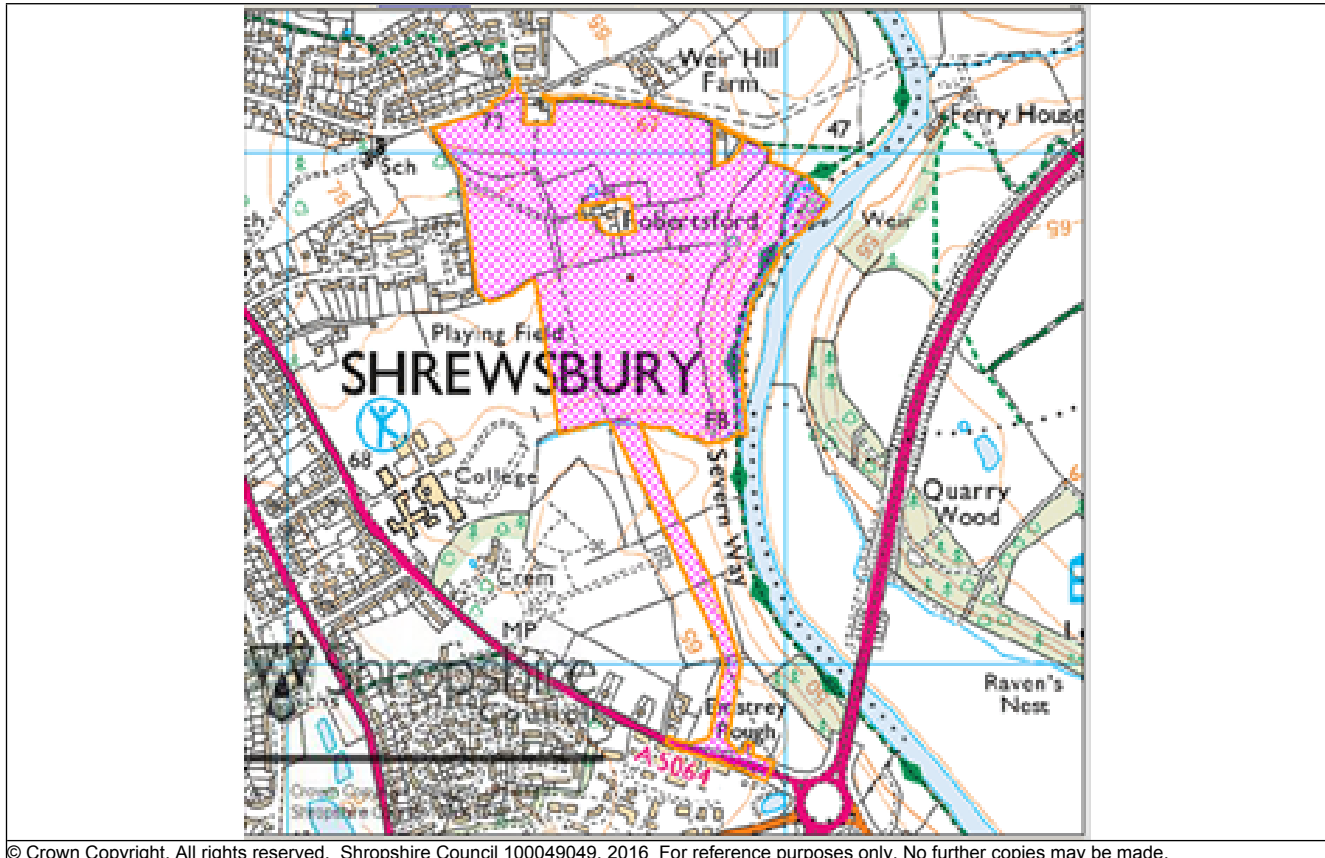
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 17/01612/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



SECOND SUPPLEMENTARY REPORT

1. The Central Planning Committee deferred a decision on this planning application for the second time at its meeting on 18 January 2018. It asked for further clarification in relation to the highway data in the Transport Assessment (TA) submitted by the applicants. The Committee has already been considered other traffic-related matters to do with the application (refer November Committee report) including: transport connections; construction traffic; traffic management and traffic calming measures. The January Committee had a detailed discussion on the matter too.

Transport Assessment (TA)

2. The TA was prepared in March 2017 following discussion with the council's highway officers and Highways England to agree the scope of the study. The TA has taken account of national planning policy, relevant Department for Transport's circulars, the White Paper on "Creating Growth, Cutting Carbon" as well as the policies of Shropshire's development plan.
3. It starts by assessing existing conditions on the local highway network and the Strategic Road Network (the A5/ A49) and reviews the area's pedestrian and cycle routes and proximity to local facilities. The baseline of the TA is further informed by automated traffic counts. These show that the 85th percentile speed of vehicles going eastbound at the Preston Street entrance to the development site was 29mph and westbound 28mph.

4. The methodology then takes into account four scenarios of likely traffic growth based on alternative projections up to the year 2026, thus the TA builds in future likely growth as well as existing road conditions. The TA assumptions on trip generation were informed both by national figures using the “TRICS” database (the UK and Ireland’s national system of trip generation analysis, containing over 7,150 directional transport surveys at over 110 types of development). To ensure the development trip generation model was locally relevant, applicants also took account of trip generation rates from the Herongate development at Hubert Way, Shrewsbury which is similar to the current proposal in scale. The TA can therefore be considered to be modelled on a robust basis because it takes account of national and local trip generation characteristics too.
5. Using agreed trip generation figures, the TA then looks at the capacity of 10 junctions on the local highway network and the Strategic Road Network to accommodate growth from the development having regard to the four different scenarios to year 2026. It finds that most of the junctions could accommodate the growth generated by the development. The TA showed that Reabrook Roundabout would be over theoretical capacity (0.85 ratio of flow to capacity or RFC) with and without the development. However this junction has since undergone capacity and pedestrian/cycle facility improvements. Following the completion of these improvements, it is operating more efficiently and therefore is not a concern within the overall TA assessment.
6. In addition, the TA also contains a road safety audit of the local highway network and the Strategic Road Network including a review of personal injury accidents over the last five years. Its findings are that the recorded accidents at each junction are due to driver error and are not a reflection of road capacity or highway layout. It nonetheless recommends a number of measures that will serve to protect road safety associated with this development including a travel plan, highway improvements on Preston Street and works to Belvidere Bridge which the Committee has already considered at its last two meetings.

Comments around the accuracy of the TA and the Construction Environmental Management Plan (CEMP)

7. Much of the Committee’s time at the last two meetings has been spent discussing: (a) the apparent difference between a previous traffic count in 2009 and 2015 traffic count data; and (b) the trigger point number of dwellings before construction traffic from Preston Street ceases and all construction access is brought in from London Road.
8. In relation to point (a) the applicants’ transport consultant has produced a Technical Note (a “TN” – see Appendix 3 to this report). The basis of the TN is to clarify that it is not appropriate to compare the 2009 and 2015 traffic data. In terms of the Column Roundabout, the 2015 data collected to inform the current Transport Assessment (TA) actually indicates an increase in traffic rather than any reduction as has been suggested by some objectors. The 2015 data was collected in June - considered to be a neutral month - and carried out by video survey. This is a robust traffic data gathering process for assessing a roundabout junction and the turning movements on each roundabout arm.
9. As is standard practice in assessing the traffic impact of new development on the local highway network, the TA considers the AM and PM peak traffic periods. Traffic data was

therefore gathered between 07:30 – 09:30 hours to establish the peak AM traffic movements and 16:30 – 18:30 hours to establish the peak PM traffic movements. This established the AM peak between 08:00 – 09:00 hours and PM peak between 17:00 – 18:00 hours. The results of those traffic movements entering Preston Street from the Column roundabout and those exiting from Preston Street onto the Column roundabout are set out in the TN. It needs to be acknowledged that there is a strong turning traffic movement into the Shirehall access during the AM peak and a similar movement out from Shirehall gravitating to the Column roundabout direction.

10. The council does hold 2005 traffic data on Preston Street to the west of Belvidere Avenue too. Clearly this data is well out of date but nevertheless gives an indication of traffic flows along Preston Street and beyond where the major turning traffic movements take place at the Preston Street/Belvidere Avenue junction. This data indicates a seven day, 24 hour average flow of 764 movements eastbound and 617 movements westbound. Traffic movements may well have increased between 2005 and today but there is no development that has taken place in the meantime which would significantly increase traffic movements along Preston Street west of the Belvidere Avenue junction.
11. Based upon the TA summary and its conclusions, the highway authority has no reason to question the validity of the assessment that has been carried out. The highway authority maintains, as expressed previously to the Committee, that the TA is robust. As a consequence the highway authority advises that a highway objection to the development is neither warranted or sustainable based upon the intention of the applicants to promote 225 dwellings being served off Preston Street during Phase 1 of the development of the whole Weir Hill allocated site.
12. With regard to point (b) the highway authority has recognised that construction traffic would be a key issue and officers have discussed this matter along with other transport and traffic related matters with the applicants. From the outset, officers have required that Preston Street be widened alongside the terraced housing and on-street parking opposite the Shirehall frontage. The current position of the applicants is to promote a maximum of 225 dwellings being occupied with a cap of no more than 250 under construction before the London Road access is opened. (to be controlled through a planning condition). The highway authority considers this is an acceptable construction programme insofar as the suitability of Preston Street to cater for the level of construction traffic associated with this amount of development. The proposed condition is necessary both in highway safety and amenity grounds. Moreover, a further condition in the recommendation to the Committee is that the applicants submit a revised Construction Environmental Management Plan (CEMP) to be approved before development begins.
13. The revised CEMP would need to include the following measures:
 - HGV movements along Preston Street only permitted outside of the peak traffic periods;
 - wheel washing facilities to prevent mud and other extraneous matter being brought out onto Preston Street;
 - signing in and other driver codes of conduct.
 - no permitted HGV movements along London Road or Wenlock Road.

14. At the cessation of HGV movements along Preston Street, that is, the occupation of 225 dwellings, a suite of traffic calming measures along Preston Street would then be carried out. The above works represents a number of commitments that the applicants will need to sign up to but are not exhaustive of the full CEMP that officers will consider for subsequent approval.
15. As a further note to the Committee, the highway authority has already engaged with the applicants regarding the engineering details of the proposed widening along Preston Street and the junction works at London Road. These works will need separate approval under the Highways Act outside the town planning process.
16. Officers have reviewed objections that the draft Construction Environmental Management Plan (CEMP) implies construction traffic would travel along London Road. The council's highway officer confirmed at the last Committee meeting that that will not be the case. The highway authority acknowledges that London Road and Wenlock Road are subject to an environmental weight limit of 7.5 tonnes except for loading, that is, only HGVs who have a legitimate business to access properties along those roads are permitted. The highway authority has no plans to lift this weight restriction as part of any future CEMP. Construction traffic would therefore be directed along Hazeldine Way from Meole Brace roundabout to the Column roundabout and Preston Street during the initial phase of housing construction requiring access from Preston Street.

Other access related matters

17. Some local ward members have invited the applicants to explore improved pedestrian and cycle links through the Shrewsbury College grounds. On this basis, the applicants have contacted the college. The applicants are willing to construct a footpath/cycle link up to the common boundary with the college in Phase 2 of the development and to make a further contribution of £50,000 towards other pedestrian/ cycling links to London Road. This additional requirement would be included within a s106 agreement. A justification for this in planning terms is that it would improve connectivity further and thus support Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy (2011). However, it is neither reasonable nor necessary to require the applicants to secure access onto Shrewsbury College land as this is not in their ownership. Indeed, there may be other land management reasons why Shrewsbury College would not support or allow this.

Further objections

18. The council is continuing to receive objections to the application from local residents on traffic grounds including a number of standardised letters. The applicants have also agreed to meet the Weir Hill Action Group on 8 February 2018 to hear their concerns and to clarify aspects of their project to them. A second supplementary report will be given to the Committee summarising the latest round of objections and any relevant actions that arise from the applicants' meeting with residents.

Conclusion

19. In preparing this Committee report, officers retain their view that this planning application should be approved. This application accords with the development plan and in particular the site allocation in SAMDev that gives clarity to developers, local

communities and other interests about the nature and scale of development that is expected on the site consistent with Government advice in the Planning Practice Guidance.

20. The Committee has already been advised both in writing and orally by officers at two meetings that the TA is robust. Officers have responded to various criticisms put by members of the public and others who have challenged elements of it (timing, whether the roads were being resurfaced at the time of traffic counts, whether Prestfelde Preparatory School was on holiday, whether the findings were similar to those of the 2009 study) and come to the view that these challenges do not fundamentally alter its findings. The TA presents a reasonable basis on which the Committee should determine this application.
21. Officers have also carefully considered objections from residents who have asked that development not proceed until the London Road access is laid out. The Committee is reminded first that it is not necessary in highway safety or amenity terms to do so, and, moreover, that a further constraint in releasing the site is the need to put the overhead electricity lines underground first. This will take in excess of a year to do and work on this can only be initiated on the grant of planning permission.
22. The Committee is also reminded that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decision makers to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Government policy in the NPPF (paragraph 14) directs decision makers to approve development proposals that accord with the development plan without delay. There are no highway or other planning grounds to withhold permission subject to a s106 agreement to cover off site roadworks and other highway and other infrastructure-related matters and a suite of conditions including the requirement to submit an amended CEMP for approval.
23. Finally, the Committee is reminded that it needs to consider the development site in the wider Shrewsbury and county context. The local planning authority has an obligation to maintain a minimum of five years' deliverable housing land supply. This site will make a significant contribution towards maintaining that, thus helping the council control where it wishes to locate new development in the town and across the county.

Recommendation:- Grant planning permission subject to a s106 legal agreement as amended by paragraph 17 of this report and the conditions set out in the report to the 23 November 2017 Committee meeting (refer Appendix 1 to this report) and the amended condition 21 included in the 18 January 2018 Committee meeting (Appendix 2 to this report).

Appendices

Appendix 1 November 2017 Committee report

Appendix 2 January 2018 Committee report

Appendix 3 Technical Note from applicants dated 2 February 2018

This page is intentionally left blank

Committee and date

Central Planning Committee

23 November 2017

Item**5**

Public

Development Management Report

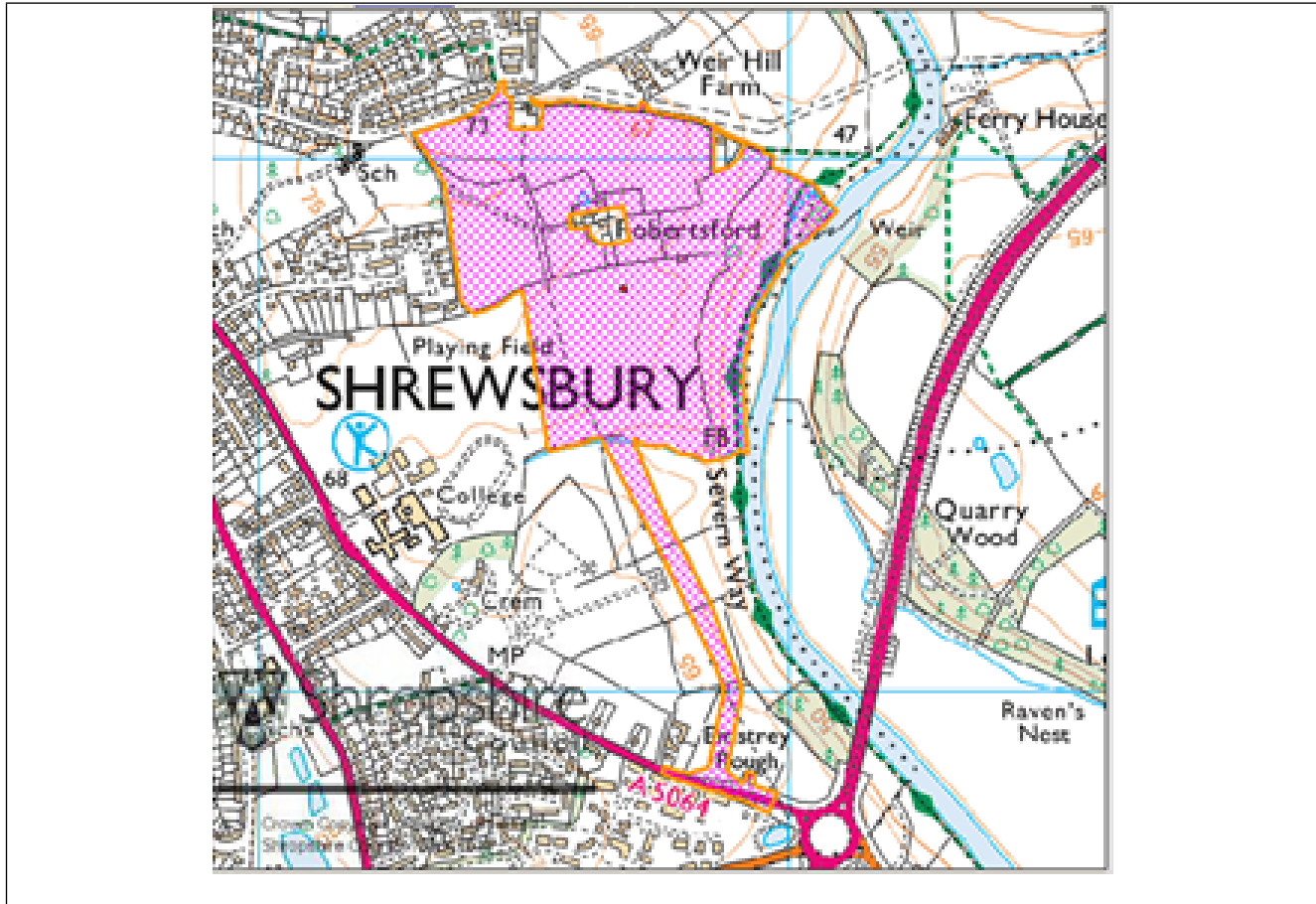
Responsible Officer: Tim Rogers

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

Summary of Application

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

Grid Ref: 351690 - 311760



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

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 Emsrey; and A5 / A49 Bayston Hill (Dobbies). Development would not have a significant impact on the modelled SRN junctions at the time of opening.

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

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

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

Flood Risk:

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

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

Contaminated Land:

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

Has offered informatives on water quality and foul drainage.

4.1.15 **SC Landscape Consultant - Comments:**

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

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

- To consider the information on the site in the Shrewsbury & Atcham Sensitivity & Capacity Study given that it could give pointers to a landscape strategy for the site and some guidance on landscape sensitivity;
- A full understanding of the landscape character including the Shropshire Historic Landscape Character Assessment and the Shropshire Historic Farmstead Characterisation to inform the landscape strategy;
- To consider views from the Shrewsbury Conservation Area, Listed Buildings & Longnor Hall Registered Park as well as Scheduled Monuments;
- To consider the site's overall visibility from much of the town and the Conservation Area to the west because of the intervening buildings and the topography; and
- To consider views from the A5 to the development.

The applicant has submitted an addendum to the landscape strategy addressing these points. The landscape consultant has reviewed this additional information

and confirms that this addresses her requests and that there are no landscape/visual concerns that would justify a refusal.

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

4.1.16 **SC Waste**

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

4.1.17 **Severn Trent Water**

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

4.2 **Public Comments**

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

Comments from the first round of consultation

4.2.1 **Shrewsbury Town Council:**

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

Town Council concerns include:

- Density of the development too great and does not appear to have been designed with the beautiful surroundings in which it is situated in mind. For example, the affordable properties are inward facing and do not take in the scenic views.
- Elevational designs are unimaginative and could be improved and there is concern that due to the change in levels, they will be highly visible from across the fields by the river. Members would like to see alternative property types being considered such as assisted living properties.
- Phase 1 is expected to take 3-4 years, during which time all construction traffic is proposed to travel down Preston Street. This is a very narrow road and whilst there has been agreement by the developers to upgrade and widen Column roundabout, there are no plans to widen Preston Street. In order to minimise disruption to residents, Members ask that the second access be opened during Phase 1 to accommodate this construction traffic.
- Regarding the second access, accessing London Road next to College would be preferable over access from Emstry roundabout. Disappointed that College's offer of land for sports facilities was rejected. Would encourage fresh discussions with the new Principal.
- Footpaths and cycle ways should link up to the existing network.
- No infrastructure to enhance community life in this development or other facilities such as play areas, adequate green space, community hall etc. The Public Open Space proposed needs consolidating to make a more usable space i.e. for a football pitch.

- For years there has been access to the River for all members of the public via a lane to the north of the site where the ferry used to be situated. Disappointed that the developers will block off this access leaving only access through the estate where parking is restricted.
- Urges developers, Councils, local sporting clubs and educational establishments to work together on this scheme as it has potential to satisfy all parties. Would welcome discussions about the management of the Public Open Space. Would not like to see the POS adopted by a management company.

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

Principle of development

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

Highways and Traffic

- Ten years of fairly detailed debate led to the conclusion that Belvidere Road Bridge should be improved by adding a caged footpath slung on the outside of the bridge. (As this was the preferred choice of residents it should at least appear as one of the Council Planning documents). The only issue that remained was funding, hence the possible link to money from your development.
- Traffic lights have previously been discussed and discounted. They would require ongoing maintenance and additional ongoing revenue streams. Widening existing footpath would only reduce the possibility of schoolchildren spilling onto road, not prevent it. Sadly, recent incident in Westminster has further highlighted the need to keep pedestrians and vehicles apart. When the lights are on green, the camber in the road for vehicle approaching the railway bridge from The Shirehall side would naturally take their vehicles over towards the wider footpath.
- Local councillors and residents worked tirelessly on Local Joint Committee to come up with a caged footpath solution. This would also mean removing the existing footpath on the bridge and widening the carriageway. Caged footbridges fitted to the outside of such bridges quite common in south of England and much cheaper solution in the long term than traffic lights.
- The only reason the scheme for new footbridge never went ahead was because, as Shropshire Council reported, 'it still sits low on the list of potential capital schemes and funding for such schemes is likely to be significantly lower in future years than it has been recently - Oct 2010'

- Belvidere Road traffic calming proposals are totally unnecessary as the traffic using Belvidere Road rarely exceeds 30mph. There are so many junctions, parked vehicles and turns in the road that vehicles rarely speed along this section. The measure suggested would only be put in place to deal with the expected increase in volume of traffic which I suspect will in itself further reduce the speeds along Belvidere Road.
- Shropshire Council did a traffic survey 2010 and presented it to Local Joint Committee. The spot check speed reading in the vicinity of the railway bridge showed readings that indicated the mean speed of traffic is in the order of 27.7mph towards Belvidere Avenue and 24.2mph towards Crowmere Road. Based on these readings SCC concluded that the speed limit is generally being adhered to.
- It is therefore requested that the proposal to add un-necessary traffic calming measures be removed from the Weir Hill proposal.
- Furthermore, it is requested that all funds that would have been directed at traffic lights and traffic calming now be directed to the provision of a separate pedestrian footbridge, fitted to the side of the railway bridge and incorporating a safety cage (even though a safety cage doesn't currently exist.) It was felt years ago and still applies now, that Network Rail would sanction such a proposal which has additional benefits for their operation.
- Object to the proposed entry road at the junction with Preston Street and Portland Crescent. This corner already a dangerous junction with many near misses happening. A junction out of the lane already there with full view of the road both ways would be much more appropriate.
- Channelling all traffic from this development on to London road would be safer and more sensible.
- Letting hundreds of delivery vehicles deliver the building equipment for these homes using Preston Street is wrong, when the access should be via the London Road where there would be no disruption to any homes at all.
- We have children going to school and playing outside on the Street, cars reversing off the drives of Preston Street, the narrow road and bottle neck at the bottom of Preston Street and all this delivery traffic will more than likely come down London Road anyway causing further unnecessary risk to the college students even if it was for the first phase.
- If the estate entrance was off London Road there would be no need for unnecessary road calming measures on Preston Street and the widening of the start of Preston Street saving cost, the environment in this area and a rat run for the residences nearby.
- Not clear if Phase 1 construction traffic would access the site via Preston Street. Completely unacceptable for the residents of Preston Street to endure years of heavy construction traffic, in the event that access is not provided from London Rd for this Phase.
- Don't think London Road could/can cope with any more traffic, especially to another 600 + homes. Some mornings it takes over 5 mins to cross the road to take our child to school now. Traffic regularly goes over the speed limit.
- Due to the huge numbers of children and people with pushchairs, essential that you dedicate the existing bridge to traffic, with no traffic lights and put a footbridge alongside as there is plenty of space for this.
- Preston Street was not constructed to cope with traffic that will be generated.

Second entrance/exit an absolute priority.

- There is also a proposed self-build site in the pipeline for 45 homes where the road in will be off London Road as well. The roads and Infrastructure cannot cope with these developments.
- The traffic flow on Preston Street towards the Column roundabout is already at maximum and any further volume would cause severe delays and congestion.

Impact on Neighbouring Amenity

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

Access to the Riverside Park

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

Design, Layout and Visual Impact

- Impact on existing cottages at Roberstford and Weir Hill Cottages. Should have at least 40m setback.
- Impact on rural landscape unacceptable.
- Poor mix of housing including flats.
- Direct overlooking between houses.
- Poor park and open space layout and orientation. No opportunity for play for a large community.

Drainage/ stormwater run off

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

Owners can accept the attenuation pond if:

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

Infrastructure

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

Biodiversity and Trees

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

4.2.3 **Community comments on revised scheme**

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

- Revised scheme does not address deficiencies in the scheme, has not gone far enough.
- Development should not proceed until London Road access is provided. 250 home trigger before London Road access created unacceptable.
- No construction traffic on Preston Street. Unsafe access onto Preston Street. Loss of oak trees. Council does not have resources to enforce construction environment management plan (CEMP).
- Traffic survey flawed. One resident has done his own study. Impact of development on St Giles' school drivers' behaviour.
- Scheme will allow for a rat run from Telford Way to London Road.
- Principle of development wrong. Shrewsbury should grow up (high rise), not out. If housing on agricultural land, it should be kept to a minimum.
- Land unsuitable for housing – drainage/ sewerage/ water problems.
- Poor development - mix of housing does not allow for housing for low income, park only provided because of flood problems.

- Impact on schools/ GP waiting times.
- Providing a secure gate onto the river unacceptable.
- Consultation process poor. Not enough outreach. Council favours developers, needs to listen to electors and put people before profit.

4.2.4 Cllr Fraser: Objects

- Length of time existing residents will have to endure construction traffic on Preston Street too long. Access to London Road should be built far earlier in the development, preferably before construction of the houses begins, but not more than 1 year into the development.
- Reduction in number of houses in Phase 1 welcome. However, if total number of houses remains the same, housing density in Phase 2 likely to be unacceptable.
- There is a lady living on Preston Street who suffers severe migraines and is highly sensitive to noise whose life is likely to be made unendurable by construction activities. This is another strong reason to build London Road access as soon as possible, and to change working proposed working hours.
- CEMP states there will be no deliveries between 8am and 9am or 3pm and 4pm. Afternoon school rush starts earlier as people get there early to park near school. No deliveries from 2:30pm would be better.
- CEMP states that work activities will begin at 7.30am weekdays and 8am Saturdays. Given the length of time that the site will operate for, this is very early. 8am weekdays and 9am Saturdays better for residents.
- Concerned CEMP not binding in planning terms; can this be listed on the planning permission as a document that must be complied with? It will need updating regarding delivery hours (section 6.3) and vehicle routes (section 6.5).
- Very concerned no pedestrian/cycle access to college grounds in Phase 1, which would greatly improve accessibility for residents to the educational and sporting facilities here. Permeability of development would be greatly improved by this access; it will be many years before access is made via Phase 2, and no guarantee this will happen at all.
- Lack of vehicular access to open space provision unacceptable. Nowhere for residents living furthest from riverside park to park their cars and use the park, nor for any current off-site users to access the River. This is exacerbated by proposals to prevent vehicular access to River via existing Lane, by means of a gate. In short, proposals reduce and limit access for existing residents to enjoy the River.
- Existing access to the River should not be gated off to vehicles.
- Deeply concerned about lack of detail regarding riverside park area, and phasing of provision of this space. Without details of how the land is going to be managed it is not possible to assess impact on habitats and propose mitigation. The land is currently grazed; if it is going to be mowed in future, there may need to be a need to change the landform to enable management, potentially having a deeply detrimental impact on visual amenity and landscape value. If Phase 2 of development is delayed or in fact never goes ahead, the open space provision in Phase 1 is not sufficient as it is largely taken up with a SUDS pond. How will Phase 1 of the Park be delivered if Phase 2 is still being grazed? Far more detail on delivery of Phase 1 open

space provision is required.

- Operation of the SUDS pond of concern given the reportedly high water table in the area, and poor slope stability at the site of the pond and towards the River. Full designs should be submitted along with supporting site investigation reports prior to construction.
- Proposals for amendments to Belvidere Bridge inadequate. Both proposals seek to narrow the carriageway, causing congestion and pollution for existing residents, and would be dangerous given the bend in the road when approaching from Shirehall side of the bridge. Visibility is really very poor. Pedestrian footbridge is only answer to safety issues, which are underestimated by the developer.

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

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

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of the development

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

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

development.

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

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

- (a) Land at Weir Hill Farm/Robertsford House, Preston Street –approximately 150 houses to be accessed off Preston Street, unless justified through a detailed, site specific transport assessment, subject to highway improvements to Preston Street and the Column roundabout, new open space to Preston Street and a landscape buffer to Sunfield Park;*
- (b) Land off London Road – approximately 400-450 houses to be accessed off London Road, with the preferred option for the access route being over land owned by the Shrewsbury College of Art and Technology between the College and the Crematorium, subject to the improvement of facilities, including parking, at the College. The alternative access route, if required, is over land owned by Shropshire Council with the junction with London Road being further south near to the A5 Emstrey junction opposite to Shrewsbury Business Park.”*

- 6.1.4 The proposals are for up to 600 dwellings which is consistent with the allocation having regard to its yield. Two developers are involved and the masterplan for the detailed element of the application covering the northern phase together with the outline phase to the south demonstrates a degree of co-ordination consistent with one of the overarching requirements of Policy S16.1a. Central to this is the provision of an interlinking access route from London Road to Preston Street that provides for a bus route. The masterplan also includes a method of preventing other traffic from using the new road as a through route so that it will not be a rat run as some residents have suggested. This will be achieved by utilising a gate within the development that will only allow buses to travel through the whole development.
- 6.1.5 The development also meets other requirements of Policy S16.1a by maintaining existing public rights of way and improving public access to the River Severn through the site, and providing new riverside public green space and a well landscaped edge to the developed area with Sunfield Park to the east.
- 6.1.6 Policy S16.1a further expects future development of the site to provide limited access to the development from Preston Street. The policy stipulates that no more than 150 dwellings should be accessed off this street, subject to highway improvements to Preston Street and the Column roundabout. More than that figure may be appropriate but this should be justified through a detailed, site specific transport assessment. The applicant is proposing to use Preston Street to serve the

majority of the development (353 dwellings) and a Transport Assessment has been provided but that the London Road access will only be built after the first 250 homes have been built. This exceeds the expectations set out in the policy. However, this matter is subject to a more detailed analysis later in this report.

6.1.7 Policy S16.1a also expects approximately 400-450 of the houses to be accessed off London Road, with the preferred option for the access route being over land owned by the Shrewsbury College of Art and Technology between the College and the Crematorium, subject to the improvement of facilities, including parking, at the College. The proposals do not propose serving this number of units from London Road and nor do they propose forming the southern access via the College grounds. Instead, they propose creating a new access and roadway across Council-owned land further to the south east. Policy S16.1a facilitates this alternative route should the preferred option not be available. The proposals are therefore only partially in accordance with this element of the policy.

6.1.8 It is concluded that the proposals are in general though not complete accordance with the allocation contained in the Development Plan. Subject to further assessment against other Development Plan policies and other material planning considerations, the principle of the development is considered to be acceptable.

6.2 **Whether the proposals constitute sustainable development**

6.2.1 Paragraph 14 of the NPPF states that the presumption in favour of sustainable development as defined by the Government should be seen as the 'golden thread' running through both plan-making and decision-taking. For decision-taking the NPPF states that this means that unless material considerations indicate otherwise development proposals that accord with the development plan should be approved. In this case the proposal is only partially consistent with the allocation contained in the Development Plan. It is for the decision maker to decide whether there are material considerations and/or additional benefits to the proposed development that would override this conflict with the adopted Local Plan.

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

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

- 6.2.3 These roles are mutually dependant and should not be undertaken in isolation. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 6.2.4 It is necessary, therefore, to consider the ways in which this proposal meets each of these three roles in order to reach a conclusion on its sustainability credentials.
- 6.2.5 In respect of the three dimensions to sustainable development in the NPPF, the delivery of housing is a contributor to economic growth. The proposals will fulfil a social role by delivering a mix of affordable and open market housing to meet current and future needs with a range of tenures. There are environmental issues that are affected by the proposals, however, which weigh against the sustainability credentials of the scheme, although some mitigation is proposed that will redress the balance.

The Economic Role

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

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

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

The Social Role

- 6.2.7 Paragraph 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities.
- 6.2.8 The development will deliver the following social benefits:
- social housing
 - recreational areas and equipped play areas that provide opportunities for new residents to interact with one another
 - a network of footpaths and cycleways that link the development to the riverside and town
 - contributions towards upgrading local schools
 - highway improvements
- 6.2.9 Phase 1 of the proposed development would provide 353 dwellings of which 71 would be affordable representing provision of 20%. Policy CS11 of the adopted Core Strategy seeks a contribution of 20% in this location, and this would be consistent with it. Phase 2 will deliver a 33% affordable housing contribution. These contributions will be secured via a S106 obligations. The provision of a level of affordable housing that exceeds development plan policy is a significant factor in

favour of the application, as it contributes to the social dimension and role of the development. There is a clear need for affordable housing in Shrewsbury and the site provides an opportunity to deliver this in excess of policy which has not always been possible on brownfield sites in Shrewsbury, and if the Council is to meet its needs for housing, the current site is liable to be a key element in that delivery. This benefit should be given significant weight in the planning balance.

6.2.10 The provision of public open space is required by policy and the applicant is offering the following:

- riverside park
- network of interlinked open space and green wedges
- equipped play areas

6.2.11 The total area of public open space (approximately 14 hectares) constitutes nearly half the application site. This is more than adequate in terms of area relative to SAMDev Policy MD2. However, the type of provision is not considered to be especially usable for all types of recreation as the Riverside Park occupies a sloping site (steeply sloping in parts), which limits its usefulness for anything other than walking and informal/ passive recreation. It could not, for example, be used for ball games. In fact, there is little open space within the masterplan that could realistically be used for those purposes.. There are other areas that could be used for more formal recreation but these are relatively small and located close to a house which also restricts their practical value

6.2.12 The public open space is to be provided contemporaneously with the residential development so that residents have almost immediate access to outdoor recreational facilities. The exception concerns the Riverside Park. This will be delivered in stages to reflect the two phases of the overall development. The open space will also have to be managed and maintained and this will either be through a specialised management company or through Shrewsbury Town Council. Precisely how this will be delivered will be secured through a S106 obligation.

6.2.13 The Council's Learning and Skills have reported that a development of this scale will have an impact upon the availability of local schools to absorb the potential number of school-age children resident on the development. This impact will be captured through a s106 agreement too.

6.2.14 The social benefits likely to flow from the development carry a degree of weight, mainly in relation to the increased level of affordable housing which is above the minimum requirement set out in the development plan and the contributions towards local educational establishments. The public open space is more limited in value by virtue of how it is to be provided and its layout.

The Environmental Role

6.2.15 The proposed development concerns a substantial open site within the countryside. Therefore, the physical intrusion/encroachment of the development into the open countryside and its effects upon local visual amenity are particularly important considerations in respect of the environmental role of sustainable development.

However, the proposal is an allocated site in the adopted Local Plan and the development plan therefore anticipates and supports a significant incursion into the countryside on the edge of Shrewsbury. Notwithstanding this, it is appropriate to consider whether this is an acceptable incursion. Having regard to the environmental role of sustainable development, consideration is given here to the development's: (i) design, layout and scale and (ii) impact on landscape. The report covers ecological and habitat issues in more detail later on.

(i) Design, Layout and Scale

- 6.2.16 Paragraph 58 of the NPPF on good design advocates optimising the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. The NPPF seeks to improve and enhance places where people live. This national policy is reinforced and expressed locally in Core Strategy Policy CS6 and SAMDev Policy MD2.
- 6.2.17 The masterplan for Phase 1 shows how the site is proposed to be developed for 353 of the 600 new dwelling houses. This includes detailed routes of the spine road and secondary roads and culs-de-sac that serve distinct development parcels. There is a mix of house types proposed by each of the two development partners, ranging from two bedroom terraced units up to substantial five bedroom detached houses, predominantly around the edges of the site. The house types are traditional in appearance and form. The materials also reflect the neighbouring residential areas and are dominated by red brick and concrete roof tiles. The original scheme and particularly the south western element of the Phase 1 had some shortcomings with long seas of car parking and limited planting in front gardens. This has been addressed by reducing the overall yield by 13 homes and the submission of a detailed planting plan. The highway authority is now generally content with the latest layout drawings in terms of dealing with traffic flow and pedestrian and cycling movements within the site.
- 6.2.18 Policy S16.1a requires a substantial landscaped buffer to be provided along the western side of the development where it faces Sunfield Park. The masterplan shows a wide area of public open space (up to 30m in width) along this edge with an indication for whip planting and grassland. This is an acceptable interface. A further initial concern was the treatment of the edges to Robertsford Farm in the centre of the site. The amended drawings received now show the perimeter of Robertsford House to be free of encroachment by new development with open space buffers provided all the way around the site.
- 6.2.19 The overall density of development is around 16.34 dwellings per hectare (dph). This rises to 18 dph if the access road onto London Road is taken out. The density of the residential precincts range from around 25 dph to 30dph. This is broadly acceptable taking account of the parameters in Policy S16.1a including the requirement for a buffer with Sunfield Park.
- 6.2.20 Details of design, layout and scale in Phase 2 would be considered as part of any reserved matters application. The masterplan for this phase merely indicates the routing of roads through potential blocks of development as well as the continuation of the Riverside Park. The indicative plans demonstrate that the site could

accommodate residential development of the scale proposed.

(ii) Landscape

- 6.2.21 The application site is an allocated site for residential development in the countryside on the edge of Shrewsbury. Merits around its loss as agricultural land are implicitly understood following the inspector's decision to allocate the site for housing. There is an expectation that the form and use of the site will change.
- 6.2.22 The northern and western parts of the site are relatively flat, bordered by hedges and laid to arable cropping. The eastern side slopes down towards the River Severn and contains a number of mature trees. The southern end undulates towards the boundary with London Road and the crematorium. The northern areas are relatively open to view from Preston Street and the access lane leading into Robertsford House. There are also views from across the river along the bypass and from the college grounds and crematorium.
- 6.2.23 Policy CS6 sets out sustainable design and development criteria intended to influence the form of new development so that it respects and enhances local distinctiveness. Bullet point 4 of CS6 requires new development to protect, restore, conserve and enhance the natural, built and historic environment. It should also be appropriate in scale, density, pattern and design taking into account the local context and character and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies.
- 6.2.24 A key evidence document in support of Policy CS6, concerning the assessment of the landscape impact of the proposal, is the Shrewsbury and Atcham Landscape Sensitivity and Capacity Study (2007). This is specifically referred to in the Core Strategy and resulted from a commission in respect of a landscape sensitivity and capacity assessment for defined areas around the main settlements of the former Borough. It also provided an information source in support of the local development framework. Overall, the study found that there were different patterns of sensitivities around Shrewsbury compared to the other settlements, with the latter being generally more sensitive and with less capacity for development. Areas of higher sensitivity and lower capacity have tended to be those of intrinsically higher value or in open countryside, associated with conservation areas or listed buildings, in valley corridors, on steep or prominent slopes or those forming gaps between settlements.
- 6.2.25 The application site is made up of two separate land parcels or zones identified in the Study. The northern part, which includes both Phases 1, 2 and the land to the north of Preston Street, lies within Shrewsbury Zone 08. The route of the link road to London Road to the south of Phase 2 lies within Shrewsbury Zone 07. The Study describes the landscape sensitivity of Zone 07 as being High/Medium:

“The area forms a prominent steeply sloping valley side to the River Severn forming the skyline when viewed from the valley floor where the Severn Way PROW is located. The area has a rural character of rectilinear pastoral fields have low hedges or fences and there is a prominent woodland to the south which forms an important visual focus close to the bypass which overlooks the area from an elevated position. There are detractors including the power

line and sporadic development to the east but these are minor in comparison to the function of the area as an important green corridor adjacent to the river. Though there is a flat area to the south and west this area forms the setting to a road approach to the town from the bypass and care is required on how to treat this sensitively to minimise impact on the roundabout and respond to landscape treatment to the south west.”

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

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

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

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

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

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

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

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

- 6.2.31 Although the Capacity Study was published in 2007, the depth of analysis carried out in respect of that document and the fact that little has changed ‘on the ground’ within the area means that it remains valid for the purposes of assessing the landscape value and sensitivity of the site. This backdrop has informed the current adopted Development Plan. The site has been allocated for new development but, the allocation does not present itself as a detailed ‘development brief’ for the area. There remains an expectation that any new development will take into account the features and characteristics of the site identified in the Study and that these in turn will influence the form of development proposed.
- 6.2.32
- The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) and a supplementary report both of which have been critically evaluated by the Council’s retained Landscape consultant. In general terms, the Landscape Strategy for the development appears to have several positive attributes.
- 6.2.33 Insofar as the landscape proposals for Phase 1 are concerned, the Landscape Consultant considers the following to be positives of the strategy:
- The retention of the existing trees, hedges and woodland;
 - Introduction of new native hedgerows in appropriate places, including some 720m length along the western margin of the new spine road
 - Retention of key views of the landscape from within the development towards existing natural features such as trees, the River corridor and open fields and hills beyond the development edges;
 - The introduction of a defined street hierarchy defined with distinctive planting;
 - Planting of low native hedges to demarcate front gardens and side boundaries;
 - Encouragement and protection of wildlife interest on site and create ecologically enhanced area with wildflower meadows;
 - Enhancement of existing ecological corridors and restoration of any lost connections;
 - Improvement and enhancement of all boundaries that are facing outwards from the site to provide an improved and enhanced settlement edge to the eastern portion of Shrewsbury.
- 6.2.34 Boundaries are shown on the planting plans to be enhanced with the planting of native woodlands, hedges and trees. A significant length of new native planting is shown along the western margin of the new spine road.
- 6.2.35 The Landscape Consultant acknowledges that the Shropshire Wildlife Trust has contributed to the Landscape Strategy. Part of the proposed Riverside Park is part of a locally designated Shropshire Wildlife Trust site. The detailed proposals take account of this guidance and advice, in particular new planting to contribute to the ecological enhancement of the river corridor; incorporation of existing trees and hedgerows to form core elements of green space within the development, and new footpath provision to enhance east-west connectivity with the existing riverside path.
- 6.2.36 Significant detail has been supplied in respect of plant species, sizes, spacing, method of protection and planting substrate/cultivation in the Landscape Strategy relating to Phase 1 and it is recommended that any conditions relating to the landscape proposals of the full application need relate only to soil handling and

storage, the timing of implementation of landscape works and making good of any failed planting.

- 6.2.37 In respect of Phase 2, the applicants recognise that landscape details will be considered at reserved matters stage, specifically that ‘subsequent reserved matters applications would be submitted for the design and layout of the proposed homes in this part of the site, the landscaping of the site including the southern phase of the riverside park, as well as the future proposals for sustainable drainage for this phase of the development’. Given that the applicant has prepared an appropriate landscape strategy it would not appear necessary to condition the landscape proposals for the Phase 2 part of the application.
- 6.2.38 The proposed development will alter the existing character of a currently undeveloped arable parcel of land, suburbanising the rural environment by introducing new built form, lighting and additional residential paraphernalia. Nevertheless, this is to be expected especially as the site has been allocated for development. The key to ensuring successful integration into the environment is through good quality design of buildings, layout and landscaping. Subject to these, the development is capable of meeting the requirements of Policies CS6 and CS17 of the Core Strategy and MD2 and MD12 of the SAMDev Plan.

6.3 Development of a greenfield site

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

6.4 Impact on trees

- 6.4.1 Most of the site is arable countryside but the site also contains a number of mature trees and hedgerows within and around its boundaries. Those located within the northern and eastern parts of the site are particularly prominent owing to the open and flat character of the arable field and the elevated site above the Severn Valley.

There are other important mature trees and hedges traversing the site, especially around Robertsford House. These are distinctive features in the local landscape. The Masterplan and Landscape Strategy state that the majority are to be retained, apart from areas where new accesses need to be formed.

- 6.4.2 The Council's Tree Officer is broadly content that the revised scheme has addressed her comments with regard to protecting existing trees and the provision of new native planting. One outstanding matter of concern remains, namely the insertion of an internal road between T147 and T148 and the potential long term harm to these trees. This is a minor design deficiency and not one which would justify the refusal of planning permission when considered in the whole as the tree officers concern is more about the subdivision of the space than any physical impact on the retained trees. All development falls outside the root protection area of these trees.
- 6.4.3 Overall, the proposed development would not be inappropriate in respect of its impact upon trees and hedgerows, subject to final layout and design. It would be in general accordance with the provisions of Policy CS17 of the adopted Core Strategy and MD12 of the adopted SAMDev Plan.

6.5 Impact on Local Infrastructure

Transport connections and Public Rights of Way

- 6.5.1 Policy CS6 of the Core Strategy states that new development should accommodate additional traffic safely and make appropriate provision for access to public transport and other alternative means of transport to the car. Policy CS7 commits the Council to deliver a sustainable pattern of development including the strengthening of local cycling, footpath and bridleway networks.
- 6.5.2 Paragraph 32 of the NPPF states that decisions should ensure safe and suitable access to the site can be achieved, opportunities for sustainable transport modes have been taken up and improvement can be made within the transport network that cost effectively limits the significant impacts of the development. The NPPF clarifies that '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe*'. Paragraph 34 of the NPPF states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. For larger scale residential developments in particular the NPPF advises that planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties
- 6.5.3 Highways England (HE) is responsible for the trunk road network, including the A5, and HE has used its own consultants to assess the submission. HE is satisfied about its impact on the strategic road network and subject to a planning condition being attached to any grant of permission.
- 6.5.4 In terms of the local highways impacts, the Council's highways officer had some

initial concerns but finds that the scheme is acceptable in principle. The highways officer's detailed comments on the transport assessment; construction traffic issues; and the assessment of traffic calming measures are set out below.

- 6.5.5 **Transport Assessment (TA):** - the scoping of the TA was discussed and agreed prior to the formal planning submission. Within the TA assessment, the technical work on trip rates, trip distribution and growth is considered acceptable by the highways officer and the comparison work undertaken with actual trip rates from the Heron Gate development helpful. The junction capacity work provided within the TA is considered sound. The TA shows that Reabrook Roundabout will be over theoretical capacity (0.85 RFC) with and without the development. However this junction has since undergone capacity and pedestrian/cycle facility improvements. Following the completion of the Reabrook roundabout improvements the roundabout is noticeably operating more efficiently and therefore is not a concern within the overall TA assessment. Overall the TA is considered to be robust and it is not considered that a highway objection based upon traffic capacity grounds would be sustainable.
- 6.5.6 It is accepted that the development could attract additional through traffic. Some existing residents in the immediate vicinity of Portland Crescent may choose to travel through the development to access the southern end of London Road, rather than travel via Preston Street and the southern end of London Road. However, the distances, circuitous alignment of the main spine road and journey times involved would not make the route through the site attractive to those current traveling south from the column roundabout to re-route via the development to access London Road. Similarly travellers from Crowmere Road and further north would be unlikely to re-route via the site (and Belvidere Road / Portland Crescent) to access London Road.
- 6.5.7 A number of local facilities are over 1km walking distance from the site. However, whilst good amenity provision does help to support the take up of longer walking journeys the accessibility of the site by sustainable modes could be significantly improved, by securing additional linkages to London Road. The provision of segregated internal pedestrian routes on the site is welcomed but any amenity advantage would be cancelled out by the sense that residents would have some distance to travel either north to the Preston Street frontage or south to the London Road access before they could "get anywhere". This will need to be considered further as part of Phase 2, where it is understood there is the potential to provide pedestrian/cycling linkage to the Shrewsbury College.
- 6.5.8 **Construction Traffic** - when this site was being considered as part of the SAMDev housing land allocation, limited development off Preston Street was considered appropriate although this was not based upon any transportation work being carried out to support this position. The TA has therefore clarified this position in providing an evidence based approach, the findings of which the highway authority have

accepted as stated above. While the TA does not identify any specific highway capacity issues relating to the development of 365 units off Preston Street (*subsequently reduced to 353 dwellings*), no consideration has been given to the amenity impact of the construction traffic. This is considered to be a material issue but allied also to the delivery of the secondary access to London Road as part of the access strategy for this site coming forward within the SAMDev housing land allocation. The highway authority support the position of limiting the number of housing units coming forward as part of Phase 1 before the completion of the spine road and formation of the new junction onto London Road. In relation to construction traffic using Preston Street as part of Phase 1, the highway authority have discussed the provision of widening of Preston Street along the length of road outside the Terraced houses and opposite the Shirehall building. This is where on-street parking is present without any parking restrictions, which acknowledge the long term historic parking demand for those properties. The highway authority both require and is accepted by the applicants that the Preston Street widening works would be constructed prior to the development of Phase 1 commencing.

6.5.9 The applicants have responded to the housing limit number being placed upon Phase 1 being solely served via Preston Street by promoting a maximum of 250 housing units at which point the secondary access onto London Road will need to be constructed. The applicants have set out their rationale for reaching this figure and is supported by the highway authority given the level of infrastructure work that will be required to fully design and build the spine road out to London Road and ghost island junction. There are clearly benefits to the early delivery of the secondary access to London Road in establishing routing between occupied properties of Phase 1 gaining access and egress to and from Emstrey roundabout, removal of all development construction traffic from Preston Street. In addition, it would provide potential benefits in the building out of the remaining 100+ dwellings of Phase 1 with removal of construction traffic impacting upon new housing occupiers as the development footprint moves back towards the Phase 2 land boundary.

6.5.10 Both developers anticipate a build out rate of 50 residential unit each per year, i.e. 100 a year. That would suggest completion of the first 250 dwellings of Phase 1 within three years and therefore prior to the completion of the spine road and junction onto London Road. Based upon current property sales in Shrewsbury the build out rate suggested appears reasonable and therefore gives a degree of timeline certainty when the connection to London Road will be made.

6.5.11 **Traffic Management / Calming Measures** - the Phase 1 housing delivery will include traffic calming being introduced along Preston Street having regard to its straight road alignment and increase in traffic numbers. These works must be carried out following the completion of 250 dwellings and the removal of construction traffic. The works along Portland Crescent could potentially occur earlier. The calming works include the main access to the site off Preston Street as

a 'Tabled' junction type with contrasting surfacing. Again it is recommended these works be completed once construction traffic is removed from Phase 1 as that is when the requirement arises.

- 6.5.12 The issues surrounding the movement of vehicles and pedestrians across Belvidere Railway Bridge are longstanding. The carriageway width is constrained and the footway unsatisfactory. The combination of the constrained carriageway and footway therefore raise pedestrian safety issues and is currently likely to be a deterrent to pedestrians using this route. This is particularly relevant to more vulnerable pedestrians with the acknowledged pedestrian desire links to schools and other facilities. The applicants were required to consider this issue following pedestrian surveys being carried out. These surveys indicate a strong pedestrian desire line across the railway bridge notwithstanding its constraints. It is recognised that widening of the carriageway across the bridge deck and a separate footbridge is one of the locally favoured options. Such an option could potentially be counterintuitive by encouraging more vehicle traffic across the railway bridge, where the highway authority would wish to see a reduction or 'status quo' in traffic movements. The applicants have therefore promoted two potential options of delivering a priority single flow traffic management scheme, one of which could be signal controlled. The applicants have agreed that this would be a matter for Shropshire Council to progress via the appropriate design considerations and consultation, with the applicant funding these works secured through a S106 agreement.
- 6.5.13 **Travel Plan** - The Travel Plan promotes sustainable travel patterns and includes a number of initiatives supported by officers. However, given the scale and location of the development there are few improvements which should be made. The importance of 'getting in early' with prospective buyers cannot be over stated. Specific detail on how the development proposes to action this, together with the overall quality of the material distributed to residents will be critical to the Plan's success.
- 6.5.14 The Travel Plan will need to be considered further as part of the commitment within the Section 106 based upon the above comments, acknowledging also that the Travel Plan will be a 'live' document that would change over time once in place. It will have regard to how the travel plan will be "sold" by sales staff; promoting events to shift transport mode; confirming travel plan targets through initial travel survey results; showing how and where cycle parking will be provided. It will also be necessary to monitor the travel plan and this has been included within the heads of terms of a s106 agreement.

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

- 6.5.16 There is a PROW (FP UN12) that currently traverses the northern part of the site along the lane that becomes Preston Street to the west. The applicants have indicated this will be retained and pedestrian access and maintained to the river along this route. This lane also provides limited vehicular access to the three dwellings to the east and this will also be maintained. It is currently proposed to control this by incorporating gates partway along the lane. The Council's PROW team welcomes the proposals to retain and maintain this path which forms an important local access to the riverside where it links into the Severn Way footpath that runs along the eastern edge of the proposed Riverside Park.
- 6.5.17 Within the development there is a new network of footpaths and cycleways that will link the various parcels of the site with the pathways and cycleways outside the site. Some of these may need to be adopted and placed on the Highways map to protect the routes for the future. This is something that will be subject to a separate process outside the consideration of this planning application.

Flood Risk and Drainage

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

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

Land Contamination

- 6.5.22 The NPPF places significant emphasis on minimising pollution risks and land instability, including from natural hazards or former activities such as mining,

pollution arising from previous uses and any remediation proposals. Policy CS6 of the Core Strategy requires all development proposals to take proper account of potential hazards and to undertake necessary remedial measures to ensure that development is safe. The site is in use as arable/pastoral fields with no history of any other use. Apart from agricultural run-off it is unlikely to present a pollution risk. There is no objection to the proposals on contamination grounds apart from the demolition of buildings on the site.

Affordable Housing

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

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

Education

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

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

Public Open Space

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

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

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

facilities..

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

Impacts on other infrastructure

- 6.5.31 Some local residents have referred to the impact of this development on other services such as GP provision and have queried the absence of any community facilities on site. The site is within walking distance of a range of civic and other facilities. The nearest GP surgeries are at Bevidere Road, Sutton Road and Monkmoor Road. This proximity to infrastructure would have been taken into account by the planning inspector when the site was allocated for housing in SAMDev. Moreover, Policy S16.1a does not require the applicants to make provision for other community infrastructure on site in the way that other larger SAMDev allocations - termed Sustainable Urban Extensions – are obliged to do. Finally, the site will be designed to be connected to a bus route in time to come to help people reliant on public transport to access essential services.

6.6 Impact upon the character and appearance of the area

- 6.6.1 The report has already considered the impact of the development on the landscape. In general terms, the introduction of built development into a greenfield location will inevitably change its character albeit the proposal will see the undergrounding of existing overhead power cables.
- 6.6.2 The masterplan accompanying the application shows the use of development in blocks separated by landscaped areas to define key spaces and create a clear definition between public and private realms. A network of interlinking open spaces, including playing pitches, allotments and children's play areas is proposed. These will be complemented by informal landscaped areas including balancing ponds and new habitat creation areas. The heart of the new neighbourhood will be defined by a formal park, higher housing densities and slightly taller building heights but the development will appear suburban in appearance.

6.7 Impact on residential amenity

- 6.7.1 Policies CS6 and MD2 require new development to respect their surroundings to ensure it does not cause unreasonable effects upon the character of area. Part of this approach is to ensure that the amenities of occupiers of existing development are also taken into account.
- 6.7.2 The site is close to existing residential development located opposite on Preston Street. In addition, there are other residential properties that lie within and around the site that have the potential to be affected. These include the following:
- Houses on Sunfield Park
 - Houses on the north side of London Road
 - Robertsford House and curtilage
 - Robertsford Cottages and Weir Hill Cottage

- 6.7.3 The Phase 1 masterplan has been developed over time and responds to some concerns raised by some community comments taking account of the presence of existing residential development. It is also informed by the guidance contained in Policy S16.1a.
- 6.7.4 In respect of Phase 1, the edges of the site are shown either to retain existing planting or are to be planted up with additional hedges and trees. The built edges of the site are set back from the boundaries. In the north, facing Preston Street, there is a separation distance of at least c.30 metres between the new dwellings and the front building lines of existing dwellings. Due to the shape of the site, this distance increases further to the east. The majority of existing frontage hedges and trees are retained and where none presently exists new planting is proposed. In addition, the north western area of the site contains a wide area of public open space that provides an additional buffer zone protecting residential amenity further.
- 6.7.5 Sunfield Park to the west is separated from the application site by a wall, hedges and trees. It is a lower density form of development comprising substantial detached dwellings set in expansive plots. Two of the properties are arranged end-on to the application site whereas several others face it across rear gardens. Sunfield Park is unusual in that it is bordered north and south by playing fields so that it effectively projects eastwards compared to other development arranged along this side of London Road. A landscaped buffer has been provided that addresses this relationship and the immediately adjoining residential precinct on the south western corner of the site has been revised since its first submission to reduce yield.
- 6.7.6 Robertsford House lies outside of the application site but is enveloped by the new development. This site comprises the original detached dwelling house and a range of traditional outbuildings. It also includes a substantial modern barn in commercial use. These are all to be retained as they are not within the application site. Part of the site includes several buildings which now lie within the development site and which are scheduled for demolition. The site is largely surrounded by a mature hedge, which will be retained and supplanted by additional landscaping. The masterplan shows areas of public open space around the northern, eastern and southern part of the curtilage with footways, cycleways and part of the spine road approaching the site from various angles thereby allowing views towards the site. This is broadly acceptable.
- 6.7.7 The other dwellings potentially affected by development on Phase 1 are located to the north east on the lane leading towards the River Severn. Weir Hill Cottage and no's 1 and 2 Robertsford Cottages are situated to the east of the eastern edge of the development at a level below the application site on land that is sloping towards the river. These properties have notably long rear gardens that extend southwards towards a rear boundary lined by thick hedges and mature trees.
- 6.7.8 Weir Hill Cottage and 1 Robertsford Cottage are the two houses most directly affected by the built development proposed in this area of the application site. Both properties share a side boundary with the development site and are set approximately 2m lower than the nearest proposed dwellings proposed to the west. There are habitable windows facing west in the two dwellings too and there is potential for the new development to cause overlooking and general loss of amenity

for the existing occupiers. In the revised scheme, the nearest houses in Phase 1 are over 30m away and this is an acceptable relationship. The insertion of additional tree planting and the retention of existing planting on the shared boundary will protect the living conditions of the occupants of these houses.

- 6.7.9 However, there is potential for noise and disturbance arising from more formal use of the new Riverside Park to all three dwellings. In addition, one of two balancing ponds is to be sited south of these properties. It is at a lower ground level and located approximately 38m away from the property boundaries, which will be subject to additional planting. There will be public access available within this area and it is considered important that this planting is adequately dense at this location and of a type that deters people from approaching the dwelling boundaries. This can be secured via a suitable landscaping condition. One local resident has suggested that the existing lane to the park be kept closed. This matter will be reviewed again via a planning condition to confirm management of the Riverside Park. Officers will consult with the affected residents of 1 and 2 Roberstford Cottage and Weir Hill Cottage on the final management layout.
- 6.7.10 The other group of dwellings potentially affected by this development are to the south along London Road. However, these are only likely to be indirectly affected by noise from the southern edge of the proposed link road where it leads up to its junction with London Road. Bearing in mind the substantial separation distances involved and the relief of the land it is not considered that there will be any adverse effects.
- 6.7.11 As it stands, there is no reason why the development could not be finally designed and completed in a way that provides satisfactory amenity for existing and proposed residents, in accordance with Policies CS6 and MD2.

6.8 Impact on Biodiversity and Ecology

- 6.8.1 The NPPF places high importance on protection of biodiversity interests and new development should minimise impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment. Core Strategy Policies CS6 and CS17 require development proposals to respect the natural environment of Shropshire and its biodiversity interests. Policy MD12 of the SAMDev, amongst other matters, encourages development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition. Development should minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.
- 6.8.2 The site contains a number of natural assets in the form of mature trees, hedgerows, a small watercourse, a pond feature and the area of hillside that runs down to the banks of the River Severn. Policy CS17 requires new development to respect and enhance these environmental assets as also required by paragraph 117 of the NPPF. The existing mature trees are shown to be retained on the illustrative masterplan and the associated landscaping plan. The applicant intends to comply with appropriate tree protection zones recommended by the Council's tree officer.

Additional landscaping is proposed which will contribute to enhancing the ecological interests of the development. It is possible to secure these matters through suitable conditions.

- 6.8.3 The application has been accompanied by a detailed ecological assessment which has been reviewed by the Council's ecologist. She has advised that there is no objection to the application subject to the imposition of conditions to mitigate impact including conditions to survey again for badgers, provide habitat for bats and control lighting and to ensure landscaping supports biodiversity. Most critically, she concurs with the Shropshire Wildlife Trust on the need for a biodiversity environment management plan (BEMP).
- 6.8.4 The ecologist's Habitats Regulation Assessment also concludes that there is no legal barrier to planning permission being issued.

6.9 **Impact on heritage interests**

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

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

6.10 **S106 Obligations**

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

Affordable housing

- Phase 1 full comprising 35 No 2 bed, 12 No 3 bed, 2 No 4 Bed properties for Affordable Rent and 16 No 2 Bed and 6 No 3 bed for Shared Ownership being together a total of 71 dwellings or 20% affordable housing provision of

- Phase 1 in accordance with Council Dynamic Viability Index model
- Later phases to provide 33% affordable housing, to the same tenure mix and unit types or such lower amount prevailing in accordance with the Council's Dynamic Viability Index at the time of the reserved matters application for that respective phase.
 - Housing to be transferred to a registered provider or other such arrangement as may be agreed to maintain the properties in perpetuity for such purposes with staircasing provided.

Public Open Space

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

Education Contribution

- A financial contribution towards enhancing capacity in local primary and secondary schools to be agreed with the Council in accordance with the Council education formula and the child yield from the type and tenure of the household. The precise sum to be calculated for the Phase 1 full element of the development, with a formula to allow for the appropriate sum to be calculated upon submission of Reserved Matters for Phase 2 (anticipated to be £2,839,440 based on the mix of homes in Phase 1).
- The trigger for payments to be agreed with the Council and the contribution to be used to provide education facilities within the vicinity of the development.

Off Site Highway Works Contribution

- Payment of an off site Transport Works Sum before occupation of the first dwelling in relation to the Belvidere Bridge Works comprising the widening of the footpath, alteration to highway and installation of traffic management measures on Belvidere Bridge generally as illustratively shown on Plan 21643_08_020_03C.

Travel Plan Sum

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

Monitoring

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

- 6.10.2 All cash contributions will be index linked to changes in the Retail Price Index and the Council will require the agreement to be reviewed before the submission of Phase 2 Reserve matters. Such an approach is appropriate in the event that economic conditions change materially between the date of the signing of any legal agreement and these later stages of the development.
- 6.10.3 The heads of terms of this agreement are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 6.10.4 The provision of affordable housing accords with national planning policy as well as Core Strategy Policies CS9 and CS11.
- 6.10.5 The Public Open Space will be managed at no expense to the public purse and will be funded by resident contributions. All members of the public will have access to it. The developer has proposed to establish a management structure that will both protect the ecological features of the park and agree how the site will be managed thereafter either by the Town Council or other suitable organisation to be further reinforced in a biodiversity environmental management plan condition. This element of the legal agreement is needed to address Core Strategy Policies CS8 and CS17.
- 6.10.6 The need to offset the impacts on local educational facilities reflects the link between a major development comprising family houses and its impact on local school rolls. The actual split of expenditure on specific schools will be the subject of further negotiation and will be dependent on the start of Phase 2 too. The Council will also need to ensure that any expenditure on schools conforms with the obligation not to pool more than five contributions.
- 6.10.7 The works to upgrade Belvidere Bridge works and the travel plan reflects the features of the site and the additional traffic impact generated by the development and the need to secure funds to improve the bridge is appropriate to offset traffic impacts. These works are not included in the Council's Regulation 123 CIL Schedule. The negotiation of works/ travel planning money is justified to ensure the development addresses development plan policies set out in Core Strategy Policies CS6, CS7 and CS8.
- 6.10.8 In all respects, the sums set out in the draft heads of terms appear to be fairly and reasonably related to this scheme. This is a complex legal agreement which will need to be negotiated over two phases and engage a range of officers in tasks such as the review of the management of the Public Open Space.

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

6.10.9

6.11 **Other material considerations**

6.11.1 The community consultation has raised a number of other points which are briefly reviewed below.

- Securing a lower housing density: It has been shown that a yield of around 600 homes would be acceptable having regard to its impact on the surrounding area. Seeking to secure a lower yield would have implications

for the Council elsewhere in the county and would theoretically add to the risk of additional greenfield land being taken for housing.

- Requiring the London Road access to be built before construction works begin on site: while some residents consider this to be desirable, the Council's highway adviser has set out why does not think there is any legitimate reason to ask for this. Indeed, requiring all the construction traffic to come off the London Road access could have amenity impacts for residents near this access. Various conditions (road widening at Preston Street by the Column; a construction environmental management condition and a requirement to put the London Road access in before the 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.

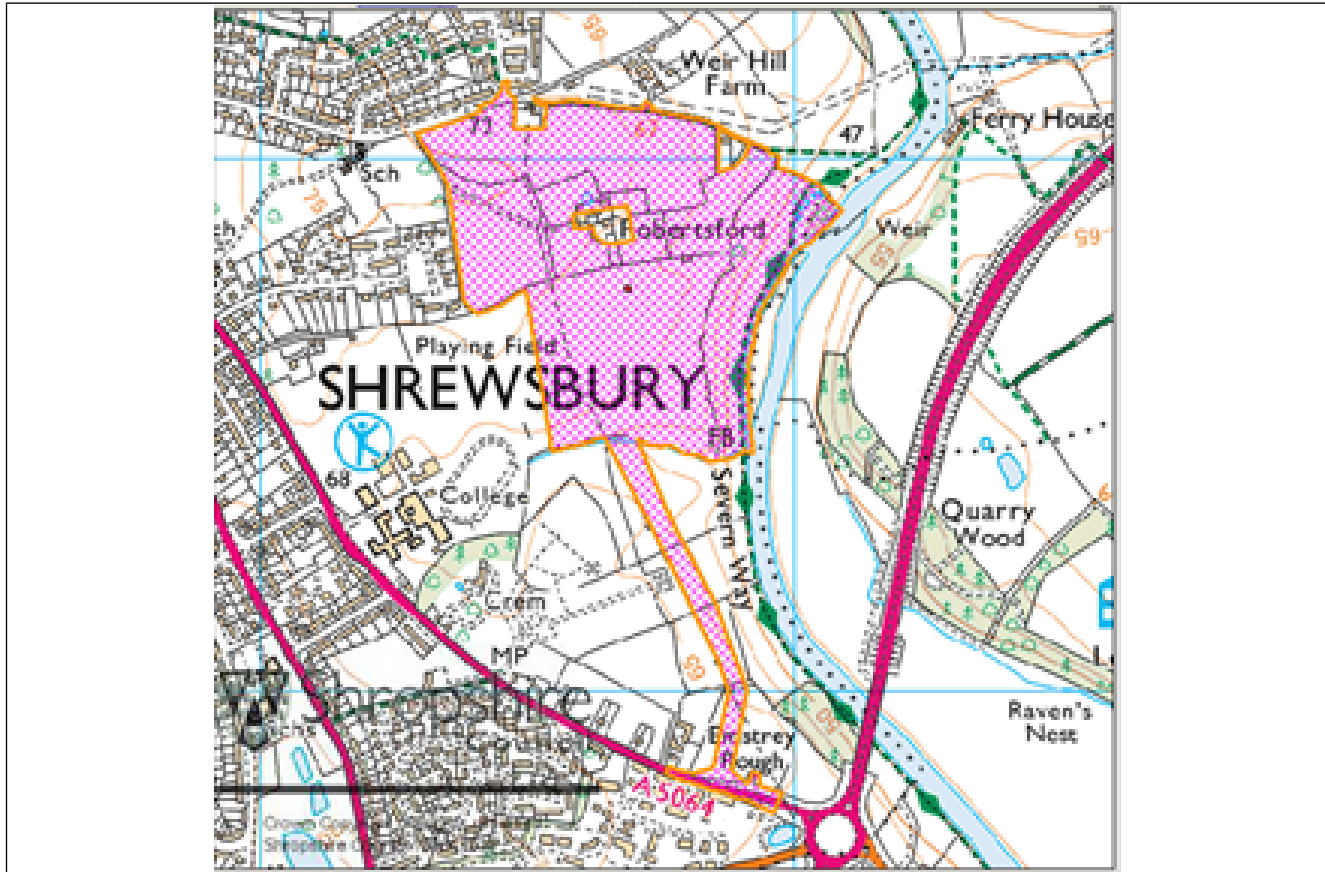
Development Management Report

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



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

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.

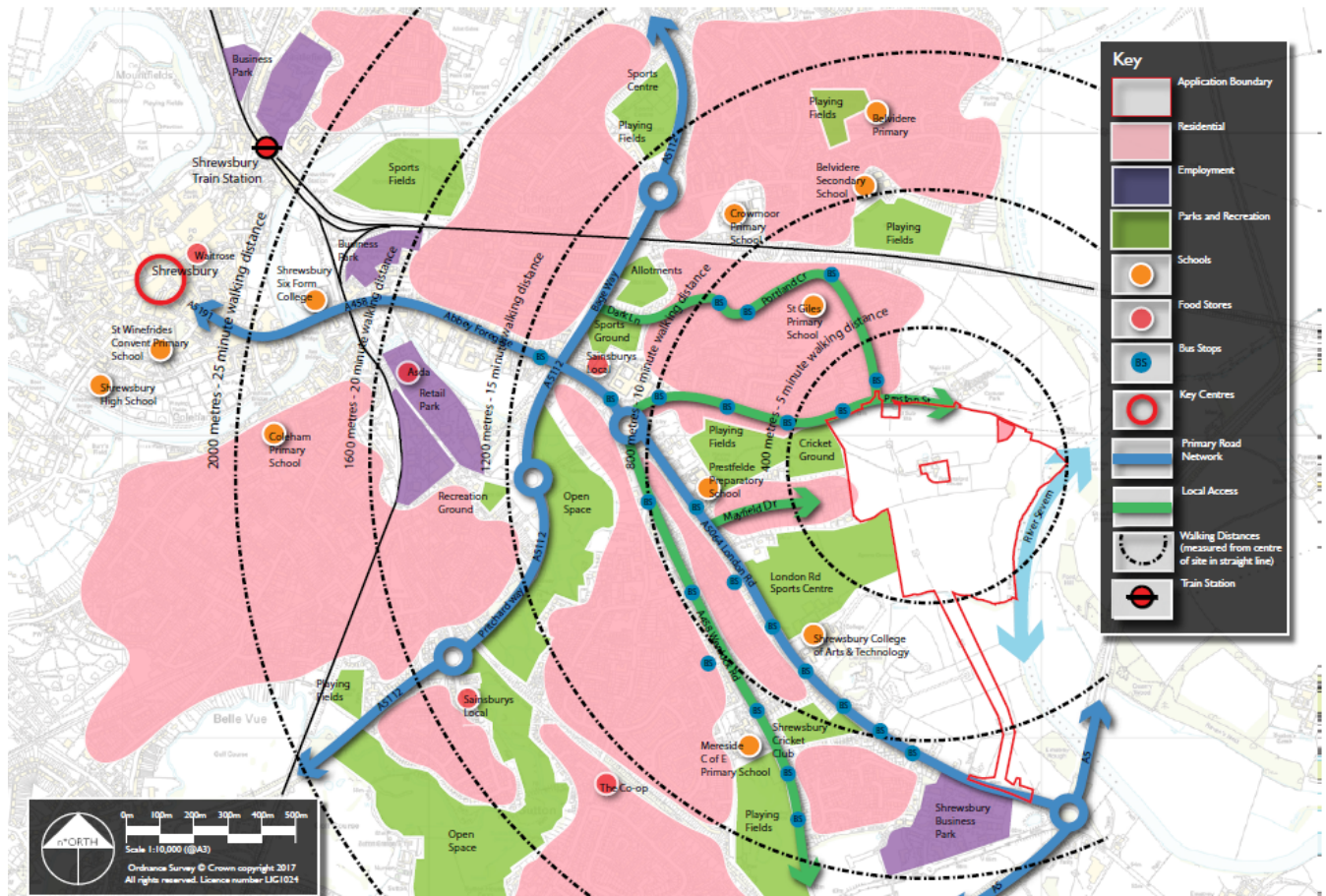
Timing of the development of the Riverside Park

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)

This page is intentionally left blank

Shropshire Council
Planning - Central Team
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND
FAO Vincent Maher

2nd February 2018

Dear Sirs

**HYBRID APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 600 DWELLINGS, ACCESS, FOOTPATHS, CYCLEWAYS, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED DRAINAGE AND DEVELOPMENT INFRASTRUCTURE
LAND AT WEIR HILL, BETWEEN PRESTON STREET AND TO THE REAR OF EXISTING PROPERTIES FRONTING LONDON ROAD, SHREWSBURY
APPLICATION ON BEHALF OF TAYLOR WIMPEY AND PERSIMMON HOMES
APPLICATION REFERENCE 17/01612/OUT**

Following further consideration of this application at Planning Committee on the 18th January and the decision of the Committee to again defer determination of the application, we have sought, (in response to comments made at the committee meeting), to assist Members by providing an additional Transport Technical Note to explain the difference between earlier 2009 survey data and survey data from 2015 which has been used within the submitted Transport Assessment. The note is intended to respond to the reason the Committee resolved to defer consideration of the application and to satisfy members that the Transport Assessment is robust and contains the most up to date and accurate survey data information. This Technical Note (MEC January 2018, ref AB/21643) is attached to this letter.

I would highlight that we have made arrangements for our Highway Consultants, MEC, to present at the February Planning Committee in order to further assist Members on this technical matter.

The Technical Note sits alongside our discussions about the phased delivery of the development and how some housing is proposed up to the trigger point for delivery of the London Road access, particularly as the delivery of the new London Road link has further detailed highway approvals to be granted, its physical construction together with major electrical and Openreach diversion works to be completed.

The detailed approval process has already commenced, in advance of planning determination, in order to facilitate the earliest delivery of the London Road link and with further resourcing from Shropshire Highways we are hopeful of a successful outcome in the near future.

- - 2 - -

To further assist members we have also enclosed an indicative phasing plan to demonstrate the order in which the housing and the London Road link can be delivered.

You will also be aware and I can confirm in advance of the February Planning Committee, that more meetings are taking place that will involve local Councillors and representatives from the Weir Hill Action Group as well as with the Town Council covering various issues with the aim of further clarifying the development proposals. There is also a meeting arranged with Shrewsbury College about the potential for a future pedestrian footpath link that has been included in our proposals for some time.

I trust this is of further assistance to updating Members at the February Planning Committee.

Yours faithfully



Jason M Tait - MRTPI, Director
For and on behalf of Planning Prospects Ltd

Enc – MEC, Technical Note, January 2018

WEIR HILL, SHREWSBURY
TECHNICAL NOTE: TRAFFIC DATA COMPARISON
FEBRUARY 2018
REF. AB/21643

Following consideration of this application at Planning Committee on the 18th January and the decision of the Committee to again defer determination of the application, this Technical Note has been prepared in response to comments that survey results from 2009 show a significant increase against the survey data collected in 2015 that has been included within the Transport Assessment submitted as part of the application.

In respect of traffic data queries the 2009 data solely relates to the Column Roundabout junction and is contained in Appendix E of a 2011 M-EC report entitled 'Highways and Transportation Evidence Document'. The 2015 data which covers a wider area of the highway network but includes the Column Roundabout junction is contained in Appendix I of the 2017 Transport Assessment.

The traffic flows were obtained by independent traffic consultants and not M-EC. The 2009 data was obtained by Paul Castle Consultancy and the 2015 data was obtained by Road Data Services. Both companies are professional survey organisations operating nationwide and work for developers and local authorities.

The 2009 data was collected on Tuesday 14th July 2009 with the 2015 data was collected on Tuesday 30th June 2015. The survey timings are therefore comparable in terms of the time of year, albeit June is classed as a neutral month unlike July (*Source: Webtag M1.2 paragraph 3.3.6*) due to the influence of the impending school holidays. Data was gathered across the AM and PM peak periods between 07.30 to 09.30 and 16.30 to 18.30 for both surveys. The AM and PM peak periods as presented on the summary diagrams in both reports is taken as 08.00 to 09.00 and 17.00 to 18.00.

A summary of the total junction flows at the column roundabout is outlined below:

	2009	2015	Difference +/-
AM	2,777	2,958	+181
PM	2,714	2,931	+217

The table above confirms that between 2009 and 2015 the total traffic flows at the junction has increased by 181 (AM) and 217 (PM) vehicles and therefore there is no indication that the data contained within the in the TA is demonstrating less traffic than in 2009.

We note from the review that there are some variances in traffic flows on all arms of the Column Roundabout junction with increases and decreases noted in 2015 when compared to 2009. However no arm shows any significant variation and it should be noted that daily traffic flows can vary by +/- 10% (*Source: Webtag M1.2*).

As well as daily variances in traffic flows changes in movements at the junction will occur due to changes in the local highway network. It should be noted that generally traffic data is only valid for 3 years and so comparing flows from 6 years previous cannot be considered robust.

In the local area there have been clear changes in the highway network which includes improvement works to the Column Roundabout (zebra crossing on Preston Street, revised parking arrangements, , improved pedestrian/cycle links along London Road to the college and major highway works (pinch point schemes) to various A5 junctions including the Emstrey Roundabout. These changes along with other highway alterations across the network and any new developments with associate infrastructure will change and influence movements.

In summary:

1. A direct comparison of the 2 data sets shows traffic flows have increased on the local highway network since collection of the 2009 data, which is as anticipated over a 6 year period between the surveys.
2. Based on the lapse in time between the surveys caution should be taken on the interpretation of the 2009 data and its validity to determine network impact from the proposed development.
3. The 2009 data was taken in July which would not normally be considered a neutral month based on guidance contained in Webtag M1.2 due to the influence of the impending school holidays.
4. Traffic flows will have changed over the 6 year period due to the changes across the local highway network which includes major highway schemes along the A5.

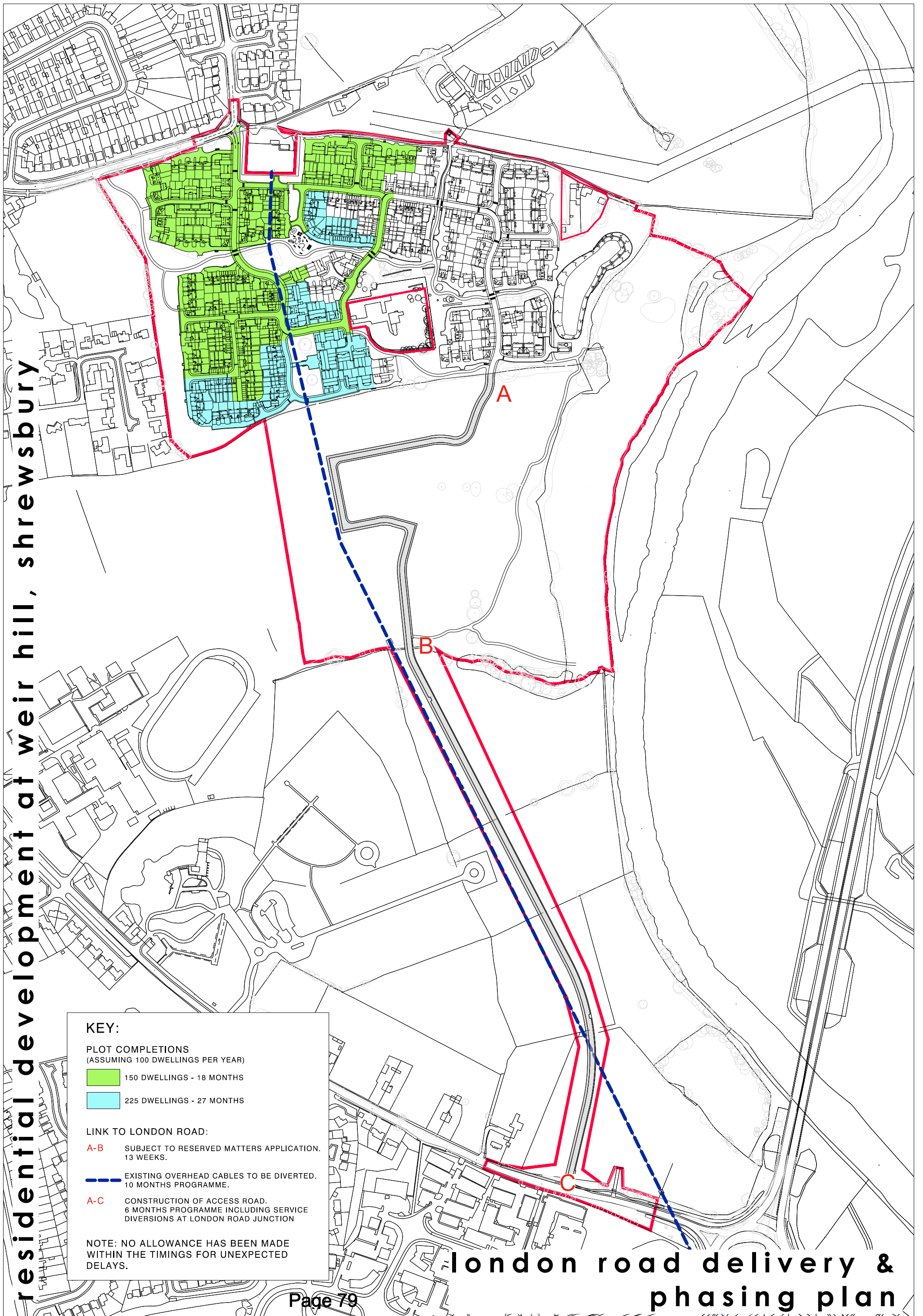
There is no evidence to support the view that traffic data contained in the submitted Transport Assessment is not robust. The Transport Assessment has been prepared in accordance with the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) and has been fully discussed and scoped with Shropshire Council and Highways England and all relevant correspondence is included in Appendix C and D of the submitted Transport Assessment. It is noted neither authority has an objection to the development proposal.

Prepared By:



Alexander Bennett BSc(Hons) MCIHT
Director

residential development at weir hill, shrewsbury



london road delivery & phasing plan

This page is intentionally left blank



<u>Committee and date</u>
Central Planning Committee
15 February 2018

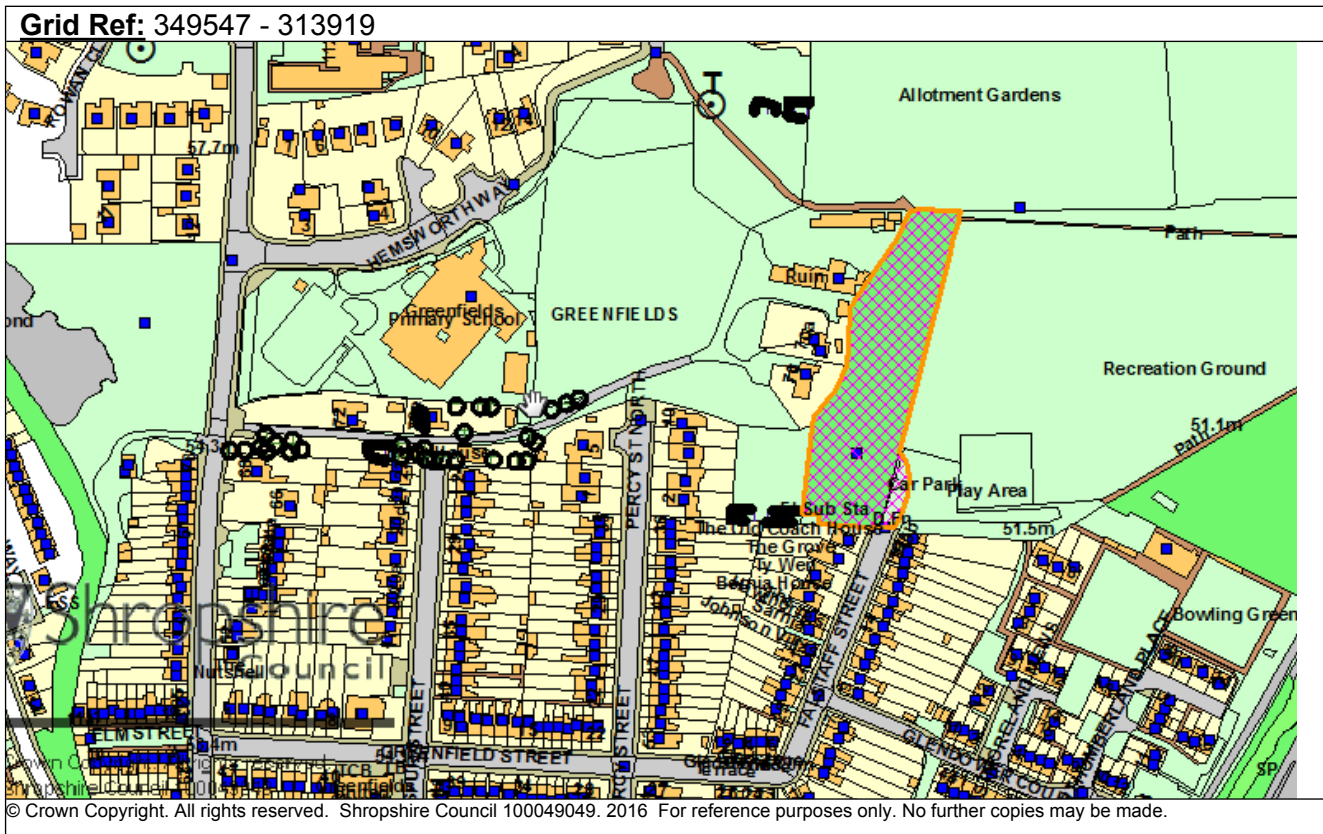
<u>Item</u>
7
Public

Development Management Report

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

Summary of Application

<u>Application Number:</u> 17/05234/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of 17 dwellings (including 2 affordable) to include new access road and associated parking (amended description)		
<u>Site Address:</u> Land Off Greenfields Recreation Ground Falstaff Street Shrewsbury Shropshire		
<u>Applicant:</u> CSE Developments (Shropshire) Ltd		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of 17 dwellings to include 2 affordable and the provision of a new access road and associated parking.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is a vacant piece of land opposite Greenfield recreation land and was previously owned by Shrewsbury Town Council and was formerly used as a tree nursery. The woodland that remained was cleared prior to the submission of a planning application by the Town Council in 2012 for residential development of the site for 8 large detached dwellings that were described as 'eco homes'.

2.2 The site is accessed off the main Ellesmere Road into Shrewsbury via the residential streets of Greenfields and Falstaff Street to the South. To the North of the site are allotments and Greenfields School lies further to The West.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The local member has requested that the application be determined by committee and the manager with responsibility for development management in consultation with the committee chairman and vice chairman agrees the request to be based on material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Archaeology:

The proposed developed site is located east of the site, and within the former grounds, of Greenfields house, which are understood to have been laid out in the mid-19th century. Whilst the Historic Environment Record does not contain any records relating directly to the proposed development site itself, there are a number within the near vicinity of it. These include a Roman rectilinear enclosure (HER PRN 04713) c.140m to the north-west; finds of worked flint (HER PRN 01579) and a Late Bronze Age socketed axe (HER PRN 02619) from the allotments immediately to the north; and an Early Neolithic stone axe (HER PRN 01582) from the northern end of Falstaff Street. In addition, it is understood that the land adjacent to the site was used as a prisoner of war camp during World War II (HER PRN 29129). On present evidence, the proposed development site is therefore considered to have low-moderate potential for archaeological remains of prehistoric, Roman and 20th century date.

An Archaeological Desk Based Assessment by the Centre of Archaeology at Staffordshire University has been submitted with the application in relation to

requirements set out in Paragraph 128 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan. On the basis of the archaeological potential of the site as outlined above, the Assessment concludes that further archaeological mitigation is necessary.

Given the findings of the Assessment it is advised, in relation to Paragraph 141 of the NPPF and Policy MD13 of the Local Plan, that a phased programme of archaeological is made a condition of any planning permission. Given the nature of the proposed development, this should comprise an initial evaluation trenching exercise followed by further mitigation as necessary.

4.1.2 **SC Highways:**

Recommendation

No Objection – Subject to the development being carried out in accordance with the approved details and the recommended conditions.

Observations/Comments:

The general principle of the proposed development is considered to be acceptable, from a highway and transport perspective. However, the highway/drainage design, construction details and specification, may require some amendment, to ensure its compliance with the Council's adoption requirements. This will be subject to specific assessment when an application is made for an appropriate highway agreement (S38 – HA1980) prior to commencement of the development.

It should be noted that Falstaff Street, for its entire length, is subject to intensive on-street parking, resulting in general congestion, which has been of general concern to the local community. Although this development will introduce additional vehicles movements along the existing highway, it is considered that the resultant impact will not be severe. However, the greatest impact will be during the construction phase, where there could well be some difficulties for HGV deliveries. It is considered therefore, that a suitable construction traffic management plan and community alert/awareness protocol is established to manage large vehicle movements in/out of the site and minimise the impact of such vehicles on the local streets/community.

In addition, a comment was made in the Transport Statement indicating that overflow car parking for these new homes could be accommodated within the Greenfield playing fields car park. Unfortunately, this is not acceptable as the parking provided for the Playing Fields is specific for the use of the playing Fields and Allotment holders and should not be used as general car parking for residents.

It is considered that the provision of 2 car parking spaces, per dwelling, is considered adequate.

Notwithstanding the above, if this development proposal, in its construction of a new roads and footway, is reducing the number of spaces available within the Playing Field/Allotment car park, then the developer will need to replace these spaces either within the development itself or extend the existing car park, with the landowner's permission (Shrewsbury Town Council).

- 4.1.3 **SC Rights of Way:** No Definitive Public Right of Way will be affected by the development.
- 4.1.4 **SC Drainage:** The proposed surface water drainage strategy in the Flood Risk Assessment and Drainage Resume is acceptable in principle. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.
- 4.1.5 **SC Trees:** Further to my previous comments the new landscape proposals and amended Tree Survey Report have addressed the issues raised. Trees on the western boundary which may cause issues with the gardens of the proposed properties are to be addressed with some pruning and some removals subject to ownerships being confirmed. The important interface with the recreation ground is now shown with sub standard trees there being replaced with a new attractive avenue of specimen trees of alternate species (deciduous and evergreen). Whilst in the short term removal of the existing trees may be seen by the public as a negative the fact that these trees are in poor condition (some with probable Ash Dieback disease) means that replacing them at this opportunity will bring long term improvements, however we need to emphasise that failures within 5 years must be replaced.
- 4.1.6 **SC Ecology:** An Ecological Assessment was carried out on this site in September 2017 by Star Ecology.

Habitats

Habitats on the site consist of scattered scrub, felled broadleaved woodland (approximately 10 years ago), saplings, tall ruderal vegetation, a species-poor hedgerow with ornamental trees along the eastern boundary, a mature lime tree in the south-east corner of the site and fencing along the western boundary. 'The stumps of felled trees remain and the majority of these have started to re-grow.'

The landscaping scheme should include tree and shrub planting using native species of local provenance.

Bats

There are no potential roosting features on the site, although bats are likely to forage on the site.

The lighting scheme for the site should be sensitive to bats and follow the Bat Conservation Trust's guidance.

Bat boxes should be erected on the new dwellings to provide potential roosting opportunities for bats.

Birds

The trees, hedgerow and scrub provide potential nesting opportunities for birds.

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

Bird boxes should be erected on the new dwellings to provide potential nesting opportunities for birds.

Other species

The site is suitable to support badgers and hedgehogs and suggests working methods to protect these species during the works.

Recommends conditions for inclusion on the decision notice.

4.1.7 **SC Parks and Recreation:**

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

2. On very large sites, it may be appropriate to divide the recreational open space into more than one area in order to provide accessible provision across the development. In such instances it is important that each recreational area is of a sufficient size to be functional. The types of open space provided need to be relevant to the development and its locality and should take guidance from the Place Plans. The ongoing needs for access to manage open space must be provided for and arrangements must be in place to ensure that the open space will be maintained in perpetuity whether by the occupiers, a private company, a community organisation, the local town or parish council, or by Shropshire Council.

Based on the current design guidance the development will deliver 57 bedrooms and therefore should provide a minimum 1710m² of usable public open space as part of the site design.

Currently the site design plan does not identify any POS provision and therefore it does not meet the MD2 policy requirement. The site must be redesigned and altered to meet the policy requirements.

3. The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the

community.

4.1.8 **SC Learning and Skills:** Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity. With future housing developments in the area it is forecast they will exceed current capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. In the case of this development it is recommended that any contributions are secured via CIL funding.

4.2 - Public Comments

4.2.1 **Shrewsbury Town Council:** Raises no objection to this application.

4.2.2 **Cllr Alex Philips (Local member):** Objects:

- ❑ If this application is approved it will be going against SAMDev and other Council documentation saying that there should be no significant development in the Greenfields area (following the Redrow and Lovells Developments) until/unless the North West Relief Road is built. Given that at 17 homes this development is above the threshold of 14 homes judged to define a substantial development for affordable housing this development can be considered significant.
- ❑ SAMdev 3.15 and MD8 1 notes that consideration should be given to safeguarding existing infrastructure and only allow development where there is sufficient existing infrastructure capacity.
- ❑ On utilities infrastructure, sewerage pipes are already overburdened with blockages commonplace with resultant public health risks. These will be substantially increased by this development.
- ❑ This development also impacts negatively on parking infrastructure (the adjoining car park), reducing parking capacity, which the report notes that this will be partly used by residents of the new development.
- ❑ If the Council grants approval for this substantial development it will be directly contradicting its own policies on substantial developments. Therefore the Council risks judicial review, at significant costs to ratepayers, if it passes this application.
- ❑ My residents do not object to development per se, and indeed many have commented that previous plans for 6-8 homes struck the right balance between the need for new housing and the pressure on existing infrastructure. However, 17 homes is simply an overdevelopment of this site and is not supported by local infrastructure.
- ❑ The petition signatories (over three times as much as for the significantly larger Preston Street development) show the strength of feeling on this application.

- ☒ This application should be rejected, and only development not judged to be significant (e.g. similar in scale to the previous proposal for eco homes) should be allowed, if the Council is not to breach its own policies and risk legal challenge.

4.2.3 32 letters of objection have been received summarised as follows:

- ☒ Increased traffic due to the number of houses once completed and occupied and during the construction phase, resulting in congestion in the streets that lead to the site.
- ☒ The noise, dirt and upheaval from the proposed construction phase is unacceptable
- ☒ There must be a construction management plan in place for all streets in Greenfields.
- ☒ Requests that a construction traffic management plan and community alert/awareness protocol be made available before the planning application is considered.
- ☒ Impact on the traffic flows and congestion in the surrounding streets and on Ellesmere Road.
- ☒ At peak times the roads are congested and sometimes blocked and reduced to single lane with no passing places
- ☒ Emergency services and delivery vehicles will find it even more difficult to gain access
- ☒ Photos submitted of evidence of vehicles blocking the road and the queues of traffic on Ellesmere Road.
- ☒ The relatively straight road will encourage speeding traffic
- ☒ As a community, we are already regularly in contact with the local police regarding speeding, anti-social behaviour and damage to cars - we wish to keep this area safe and secure
- ☒ The Greenfields Community Group reports weekly accidents and damage to resident's vehicles due to the fact that current density and volume of traffic is beyond the road and residential on street parking capacity
- ☒ Increased vehicles will impact on the safety of cyclists and pedestrians and will require them to cross the traffic.
- ☒ The path leading from the end of Falstaff Street will become a road
- ☒ Walking to and from the park will be dangerous

- ❑ Children will not be able to play safely in the street
- ❑ Increase in air and noise pollution.
- ❑ Only 2 parking spaces per dwelling are provided with no visitor parking and is inadequate
- ❑ The proposed family homes are likely to attract buyers who have an average of 2 cars which would mean an extra 34 cars leaving and entering Greenfields on a daily bases, not including visitors for whom no parking provision is made within the development.
- ❑ The report refers to spaces being available on the playing fields car park but this should not be used as visitor parking.
- ❑ Falstaff Street cannot provide space for more cars when the current householders struggle to find parking spaces themselves.
- ❑ The Traffic Report predicts 13 movements per hour (approximately one every 3 minutes) which is misleading and unrealistic.
- ❑ The Traffic Statement and the Highway comments (WSP) are produced without any valid research, evidence or data production toward the impacts both vehicular and community.
- ❑ Questions whether the Transport statement is adequate or reliable.
- ❑ In May 2014 when the Redrow site was considered it was noted that *'any further large developments off the Ellesmere Road corridor are likely to result in traffic issues at this location which we are unable to manage. Therefore the local highway authority maintains the opinion that any further major developments off the Ellesmere Road (over and above this site and the adjacent committed site) would not be acceptable without a north-west relief road scheme to manage the flow of traffic between the west and northern areas of Shrewsbury'*.
- ❑ Requests that the Highway and Transport Statement is upgraded to a full Transport Assessment
- ❑ The proposal does not demonstrate that it is considering the health and well being of the children and residents of Greenfields by encouraging sustainable travel, increasing walking and cycling, lessening traffic generation and its detrimental impacts and reducing carbon and diesel emissions.
- ❑ The land is not suitable for dwellings and should be put to some community use.
- ❑ This land is not required to be developed to meet housing targets

- ② The crossing on Ellesmere Road promised for the Redrow development has not been provided and the community has not seen any of the community benefits from CIL.
- ② Further increase in demand will adversely impact the existing foul water sewers that are Victorian and already failing.
- ② The school is already oversubscribed and whilst the future occupiers will be close to the school existing residents on the edge of the catchment will be forced elsewhere.
- ② There is no medical practice and only one dental practice in the area
- ② The two small shops that cover Greenfields, Herongate, Ellesmere Road, and Greenfields Gardens is already insufficient.
- ② The minor changes to the design and landscaping are unclear with regards to quality of materials and finish.
- ② The design and materials need to respect the local vernacular of the adjacent Victorian Streets.
- ② The three storey houses are far higher and out of keeping with the surrounding Victorian houses.
- ② The spacing size and type of windows is not consistent with the Victorian houses
- ② The stone wall (that is potentially listed) is a feature of the community and should not be demolished
- ② The proposal will not enhance the character or appearance of Greenfields, but create a one-dimensional modern enclave appended to the existing community
- ② No information is provided about street lighting
- ② Impact on wildlife and in particular bats and birds that are seen regularly in the area
- ② The site is a wildlife corridor and the bio diversity and open space is significant in terms of the social, health and well-being benefits
- ② The proposal urbanises an open space, doubles the size of Falstaff Street and distorts the Greenfield community.
- ② The tree group on the Western Boundary forms an important backdrop to the recreation ground and has value as group screening the development behind.

- ☒ Positioning houses close to the trees will put pressure on removing or pruning them.
- ☒ Afternoon shading of the proposed houses is likely to be a problem.
- ☒ Any removal of trees and hedges along the existing footpath on the eastern boundary should be replaced to screen any new development from the recreation ground.
- ☒ A full landscaping mitigation scheme is essential.
- ☒ Damage to the root protection area of the important Lime tree must be prevented and there should be no crown reduction of this tree
- ☒ The retention and improved planting of the hedgerow is one of the few welcome aspects of the scheme, but would be spoilt by a metal fence

4.2.4 A petition has also been received signed by 191 residents with their main concerns summarised as follows:

- ☒ Increased traffic
- ☒ Impact on safety of pedestrians walking to school.
- ☒ Local primary school at capacity and the new residents would also put pressure on health services and roads
- ☒ Impact on the safe enjoyment of the play area
- ☒ The impact of additional waste on Victorian Sewers
- ☒ Parking is tight particularly at evenings and weekends when Falstaff Street becomes a single track road
- ☒ Noise and dirt during the construction phase and delivery and construction vehicles will cause severe problems
- ☒ The wall at the end of Falstaff Street is considered to be listed but even if it isn't it adds to the character of the area and should not be removed or altered.

4.2.5 **West Mercia Constabulary:** Provides advice with regards to 'Secured by Design'.

4.2.6 **Shropshire Fire And Rescue Service:** Provides advice with regards to Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'

5.0 **THE MAIN ISSUES**

Principle of the Development
Layout, Scale, Design and Appearance
Access, parking and highway implications
Impact on Neighbouring properties and residential amenity
Ecology
Landscaping/Trees
Flood Risk/Drainage
Developer Contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The provision of housing within the urban area of Shrewsbury accords with policy CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire. The land is contained within the Urban development boundary and in a sustainable location within walking distance of the Town Centre and therefore residential development of the site is considered acceptable in principle.

6.2 Layout, Scale, Design and Appearance

6.2.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

6.2.2 The proposed development will be situated at the end of Falstaff street which predominantly consists of a row of late Victorian semi-detached properties on either side of the road with a row of 4 detached properties on the West side of the road built in the late 1990s. The older properties display a variety of window and door designs and brick detailing. The site and the surrounding houses are not in a Conservation area and there are no listed buildings or listed walls or structures nearby.

6.2.3 The layout as amended is for a row of 17 houses including 6 semi-detached two storey houses with a third level of accommodation in the roof and 3 terraces of 3 two storey houses and 2 semi-detached two storey houses. The layout, pattern and density of development is in keeping with the linear development in the surrounding streets with houses situated on narrow plots. The gardens will not be as long as those in Falstaff Street but it is considered that the size of the rear gardens is satisfactory particularly having regard to the large recreation ground and play area that is available to the front.

6.2.4 The proposed dwellings are traditional in design incorporating architectural features found in the houses in the surrounding streets such as stone heads and cills, bay windows and brick corbelling. However they are not intended to replicate the existing houses or to be a pastiche and it is considered that a pastiche would not

be desirable.

6.2.5 The new houses proposed would be seen as a continuation of the row of 4 new houses on the West side of Falstaff Street and it is considered that the scale and design of the houses are appropriate and that the development would have no adverse impact on the character and appearance of the locality.

6.3 **Access, parking and highway Implications**

6.3.1 The indicative plan indicates 32 parking spaces (2 parking spaces for each dwelling). This level of parking provision is considered more than adequate in this sustainable location in close proximity to local services and facilities, a primary school and regular bus service, and within walking distance of the town centre and the train and bus station. One of the aims of both Local and National policy is to encourage walking and cycling and use of public transport and to reduce the use of private vehicles and to direct development to locations where the need to travel is minimised.

6.3.2 To provide more parking spaces would be contrary to the aims of promoting sustainable transport. SABC local plan parking standards advised a maximum parking provision of 1.5 spaces per dwelling with the aim of reducing reliance on the private car and promoting other more sustainable forms of travel. The NPPF advises that if setting local parking standards these should take into account, the accessibility of the development, the availability of and opportunities for public transport, the level of local car ownership and an overall need to reduce the use of high-emission vehicles. Families with requirements for parking more than 1 or 2 cars would likely not be interested in purchasing these properties if they didn't meet their needs. Future residents (and existing residents) are more likely to choose to live in this area for the very reason that they don't need more than one car in the family due to the potential for walking, cycling and use of public transport. A parking standard of less than 2 spaces per dwelling is considered appropriate for this location and 2 spaces per dwelling is considered to be more than adequate.

6.3.3 SAMDev policy MD2 advises that onsite car parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and therefore negatively impact on the local road network. Officers are fully aware of the lack of off-street parking in Falstaff Street and the surrounding streets and that on street parking only allows for one car per dwelling. It is acknowledged that at weekends and evenings the streets are full on both sides and residents are sometimes unable to park on the street outside their own homes. However the provision of 17 additional houses with 2 spaces per dwelling and the option for visitor parking along the front of the new houses (as is the case in any other residential area) would not affect the parking situation that already exists. It is therefore considered that the parking provision is more than adequate and that the provision of 17 houses with 2 parking spaces each would not result in cars overflowing and parking into the surrounding streets.

6.3.4 Vehicular access will be off Falstaff street via Greenfield Street and on to Ellesmere Road to join the main Highway network. WSP consultants on behalf of Highways have confirmed that they have no objection to the access to the development via

this route. Officers are aware that the intensive on-street parking results in congestion in the area and that this is of significant concern to the local community. WSP have commented that although this development will introduce additional vehicles movements along the existing highway, it is considered that the resultant impact will not be severe.

- 6.3.5 Residents have questioned the robustness of the submitted Highway and Transport statement and the comments from WSP and that they are not based on evidence. The submitted transport statement suggests that *'that there is only likely to be a maximum of one movement per household in the peak hour. This would equate to 17 additional vehicles or one movement every 3.53 minutes'*. Officers have no reason to disagree with this view on the likely traffic to be generated by this proposal and consider that the number of trips per hour at peak times is likely to be lower than 17.
- 6.3.6 As outlined in the paragraphs above families choosing to live in this part of Shrewsbury are likely to only have 1 or at a maximum 2 cars. Assuming that each family has 2 cars it is reasonable to assume that most journeys to and from home by residents are spread over the busy 2 hour period each morning and evening and 34 vehicles over a 2 hour period would therefore be 17 movements per hour at peak times. Taking a lower average figure of 1.5 cars per household this would equate to 25.5 over a 2 hour period which is 12.75 per hour.
- 6.3.7 In addition to the likely vehicle movements being much less than 17 per hour at peak periods, the traffic movements generated throughout the day will be much less frequent than this. The submitted statement suggests that the *'overall traffic movements in any 24 hour period is not likely to exceed 102, based on 6 movements per dwelling using the lower figure in a band width of 6 – 9 movements per household, which is universally acknowledged as the trip generation for assessments of residential traffic'*.
- 6.3.8 Paragraph 32 of the NPPF advises that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*. Officers whilst acknowledging the significant congestion that currently exists at peak times in the Greenfields area and along Ellesmere Road, agree with the submitted statement that the additional traffic generated by this proposal would have no significant impact on the congestion that already exists and therefore the impact of the proposal is not considered to be severe that would justify refusal.
- 6.3.9 Residents refer to previous reports on other applications in the area and that SAMDev advises further significant development off Ellesmere Road or in the Greenfields area should not be permitted without the North West Relief Road. However in Highway terms 17 houses is a relatively small and minor development and is not considered to be significant.
- 6.3.10 Residents have also suggested that a full Transport Assessment should be required rather than the Transport Statement submitted. The NPPF advises at paragraph 32 that *'all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment'*. The

proposal will not generate a significant amount of traffic and it is not considered necessary to require the applicant to undertake traffic surveys or further justify the anticipated trips per hour or provide further evidence regarding the amount of traffic that will be generated by this proposal.

- 6.3.11 The greatest impact on traffic will be during the construction phase and it is acknowledged that there could be some difficulties for HGV deliveries depending on the times of deliveries and this could result in congestion and disruption to residents. This disruption and impact on traffic can however be minimised and managed by a suitable construction traffic management plan and it is recommended that a condition is imposed to ensure that a Construction Method Statement is submitted and adhered to throughout the construction period.

6.4 **Impact on Neighbouring properties and residential amenity**

- 6.4.1 The properties will be located sufficiently far from existing residents so that the development would not result in overlooking, a loss of privacy or loss of light or appear overbearing or obtrusive. The majority of issues raised by residents relate to congestion, disruption during the construction phase, pressure on street parking, impact on the safety of pedestrians and cyclists and impact on infrastructure.
- 6.4.2 Parking and congestion have been addressed within the above paragraphs. The main concern from residents with regards to cyclist and pedestrian safety relate to alterations to the footpath along the East side of the development site and that it will become a road and that walking to the school or park will become dangerous due to the need to cross the road.
- 6.4.3 The footpath that residents refer to is for the first part already a shared surface with it being the vehicular access to the recreation ground car park. There is a pavement on both sides of Falstaff Street and the pavement on the East side of the road leads to the main pedestrian entrance in the gap in the wall. The West side terminates at a wall on this side and pedestrians therefore have to step off the pavement to use the shared surface which forms the carpark (and vehicular access to it) and then leads to the footpath beyond. Pedestrians who use Falstaff Street to access the park or use the footpaths to walk to school already have to cross the road depending on which side they choose to walk.
- 6.4.4 The footpath beyond the vehicular access to the existing car park will remain unaffected by this proposal and the path will not become a road. It is considered that the proposal would not impact on the safety of pedestrians and cyclist any different to the situation that currently exists.

6.5 **Ecology**

- 6.5.1 An Ecological Assessment was carried out on this site in September 2017 by Star Ecology and an Ecological report submitted. The habitats on the site consist of scattered scrub, felled broadleaved woodland, saplings, tall ruderal vegetation, a species-poor hedgerow with ornamental trees along the eastern boundary, a mature lime tree in the south-east corner of the site and trees along the western boundary.

- 6.5.2 MD12 in accordance with CS6 and CS17 seeks to avoid harm to locally designated biodiversity and geological sites, priority species, priority habitats, important woodlands, trees and hedges and ecological networks. Whilst the site does provide some habitat for wildlife it is not a locally or nationally designated site, it does not form part of the environmental network or include important woodlands, trees or hedges other than the protected Lime tree at the entrance to the site which is proposed to be retained.
- 6.5.3 The submitted report and the Councils Ecologist confirm that there are no potential bat roosting features on the site but that the site is likely used by bats, badgers and hedgehog for foraging and/or commuting purposes and that the hedgerow and scrub provide potential nesting opportunities for birds. However there are no badger sets on the site or evidence of protected species.
- 6.5.4 The site is considered to be of low ecological value and conditions are recommended to provide ecological enhancement and to ensure appropriate native species landscaping and lighting of the site. It is therefore considered that the proposal is acceptable from an environmental perspective.
- 6.6 **Landscaping/Trees**
- 6.6.1 The tree officer commented on the initial layout, landscaping plan and tree report and was initially concerned that the proposal would impact on the protected Lime tree at the front of the site. In addition there was concern about the shading of the rear gardens and it was recommended that the retention of the lower category trees along the Western boundary be re-considered and that all the defective trees highlighted in the submitted tree report be removed. The tree officer also noted that the loss of the hedge and trees to facilitate the water attenuation and parking will result in the recreation area losing its screening and separation from the new development and recommended that the hedge should be replaced with new hedge and tree planting to create a new attractive screen and interface.
- 6.6.2 Amended layout plans have been received that indicate retention of the wall closest to the Lime tree so that the roots will not be disturbed and that there will be no building or hard surfacing within the wider root protection zone around the Lime tree. The water attenuation has also been moved away from the Eastern boundary. The houses have also been located slightly further forward to increase the depth of the gardens and the distance from the trees to the West. The tree officer is now satisfied that the new landscape proposals and amended Tree Survey Report have addressed the issues previously raised.
- 6.6.3 Trees on the western boundary which may cause issues with the gardens of the proposed properties are to be addressed with the pruning and removal of some of the trees. The hedge and sub standard trees along the eastern boundary that are an important interface with the recreation ground are proposed to be replaced with a new attractive avenue of specimen trees. In the short term the removal of the existing trees may be seen by the public as a negative but in the long term the fact that these trees are in poor condition (some with Ash Dieback disease) means that replacing them at this opportunity will bring long term improvements.

- 6.6.4 Subject to the imposition of a condition requiring the implementation of tree protection measures and landscaping proposals it is considered that the proposals would not negatively impact on any important trees within the site and that the proposed new hedge and tree planting will be a long term enhancement.
- 6.7 **Flood Risk/Drainage**
- 6.7.1 The site is situated in Flood zone 1 (the lowest risk of flooding) and whilst Drainage have confirmed that the proposed surface water drainage strategy in the Flood Risk Assessment and Drainage Resume is acceptable in principle full details of the proposed drainage details, plan and calculations should be conditioned to be submitted for approval.
- 6.7.2 Highways have confirmed that the highway drainage design, construction details and specification, may require some amendment, to ensure its compliance with the Council's adoption requirements and that this will be subject to specific assessment when an application is made for a highway S38 agreement.
- 6.7.3 Residents have expressed concern regarding the Victorian drainage system and that it does not have capacity for additional discharge to it. However Sever Trent has a statutory responsibility to supply and maintain a satisfactory means of foul sewage disposal for both existing and new dwellings.
- 6.8 **Developer Contributions**
- 6.8.1 CS11 requires that all new housing development makes a contribution to affordable housing (AHC) calculated at a rate of 10% in this location under the current Housing SPD. This equates to 1 dwelling on site with the balance as an affordable dwelling. It has been negotiated with the applicant that due to the site being adjacent to a recreation ground there is no requirement for on site open space provision which enables the provision of an additional dwelling on site. The applicant has agreed that this additional dwelling will be an affordable. This over provision of 2 of the 17 being affordable is welcomed.
- 6.9 The scheme will also be liable for a financial contribution towards infrastructure under the CIL regulations. This can be spent on infrastructure identified in the place plans and can include education, maintenance of existing recreation grounds and play areas and maintenance and improvements to roads, cycle-ways, pavements and footpaths or tree and hedgerow planting and maintenance for example.
- 7.0 **CONCLUSION**
- 7.1 The development of this site for residential development is acceptable in principle, and the site is considered to be of a sufficient size to accommodate the 17 dwellings proposed. The layout, pattern and density of development is in keeping with the linear development and the plot widths in the surrounding streets and the proposed dwellings are traditional in design incorporating architectural features found in the houses in the locality. It is considered that the layout of the site and

the scale and design of the houses are appropriate and that the development would have no adverse impact on the character and appearance of the locality.

- 7.2 It is considered that a safe and satisfactory vehicular and pedestrian access can be provided to serve this relatively small development. Whilst the development will result in additional vehicular movements in the existing congested streets this impact is not considered to be severe and the increase in traffic movements would have no significant impact on the safe movement and free flow of traffic on the wider highway network. It is also considered that the provision of 2 car parking spaces, per dwelling, is more than adequate in this sustainable location.
- 7.3 The proposal would not be harmful to protected species and biodiversity enhancements will be secured by the imposition of conditions. The proposed tree and landscaping proposal is acceptable and tree protection measures will ensure the retention of the significant Lime tree.
- 7.4 The proposal is considered to accord with the relevant Shropshire LDF Policies CS2, CS6, CS11, CS17, MD2 and MD12 and the overall aims and objectives of the NPPF of promoting sustainable development.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

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

8.2 Human Rights

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

against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS2, CS6, CS11, CS17, MD2 and MD12

RELEVANT PLANNING HISTORY:

12/00620/OUT Outline application for the erection of 8 no. dwellings to include allotment space and means of access GRANT 23rd March 2016

11. Additional Information

List of Background Papers: File 17/05234/FUL
--

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 approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

5. The tree protection plan and arboricultural method statement within the revised tree survey by BASE LIMITED dated January 2018 shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows to be retained on site and prevent damage during building works in the interests of the visual amenity of the area.

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

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

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

7. Before the relevant parts of the work are commenced details of the materials and form of the heads and sills to the window and door openings in 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 a satisfactory appearance to the development.

8. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. All doors and windows shall be carried out in complete accordance with the agreed details.

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

9. Prior to the relevant parts of the works commencing details of a scheme of foul drainage, and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of any of the dwellings.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

10. Prior to the relevant parts of the works commencing details of the design and construction of any new roads, footways, verges, accesses, and street lighting together with details of the disposal of highway surface water shall be submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented prior to the first occupation of any of the dwellings.

Reason: To ensure a satisfactory access to the site.

11. Prior to first occupation / use of the buildings, the following boxes shall be erected on the site:

- A minimum of 4 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

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

The boxes shall be sited in suitable locations, 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 and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

12. Notwithstanding the approved landscaping plan prior to its implementation an additional landscaping plan shall be submitted to and approved in writing by the Local Planning Authority to include details of features of ecological enhancements including hibernacula, hedgehog-friendly gravel boards providing passes under fences, amphibian-friendly gully pots and the makes, models and locations of the bat and bird boxes required by condition 11). The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To provide ecological enhancement of the site

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under condition 11). 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: To minimise disturbance to bats, which are European Protected Species.

14. All hard and soft landscape works shall be carried out in accordance with the approved landscaping plan. The works shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be approved in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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

15. The car spaces to be provided shall be kept available for the parking of motor vehicles at all times, and the car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking is provided for the lifetime of the development

This page is intentionally left blank

Agenda Item 8



Committee and date
 Central Planning Committee
 15 February 2018

Item
8
 Public

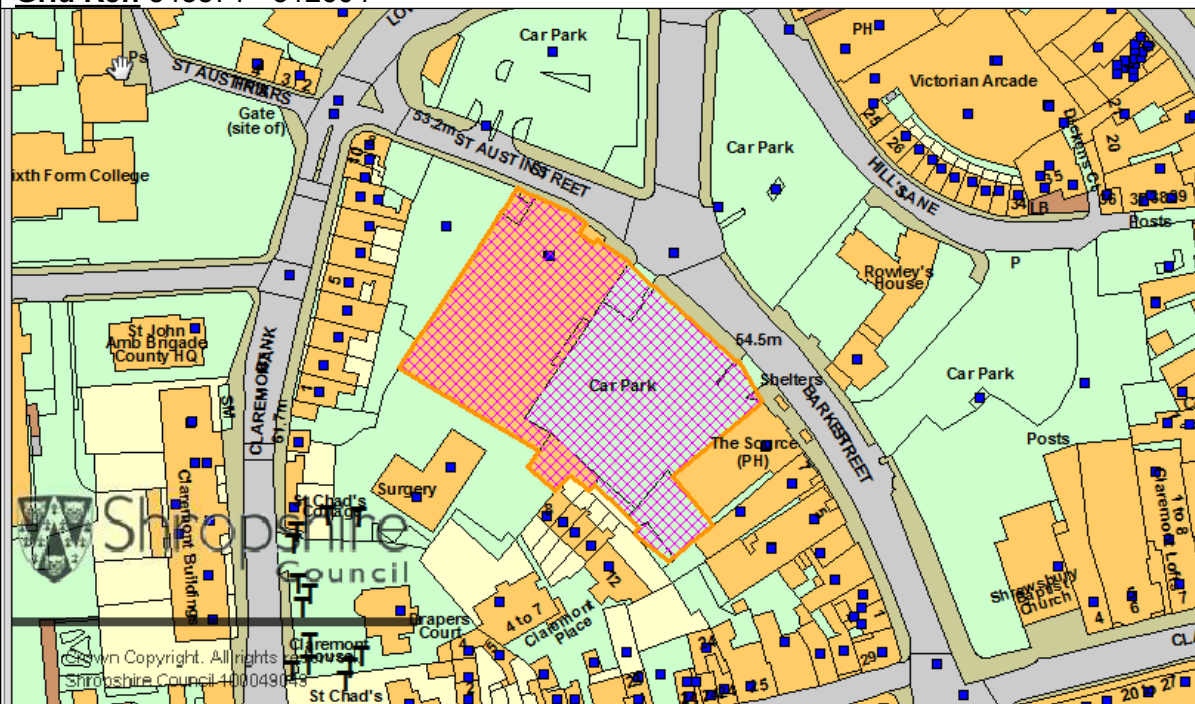
Development Management Report

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

Summary of Application

Application Number: 17/05171/FUL	Parish:	Shrewsbury Town Council
Proposal: Application under Section 73A of the Town and Country Planning Act 1990 for the erection of two 4 storey blocks and a 3 storey infill block for mixed use including student accommodation, A1 (retail), A2 (professional and financial services), B1 (offices) and D1 (non-residential institutions such as crèches, day nurseries and premises for education and medical or health services) with ancillary cycle and bin storage areas, car parking and new vehicular access on to St Austin's Street (amended description)		
Site Address: Proposed Mixed Use Development Barker Street Shrewsbury Shropshire		
Applicant: Shropshire Council		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 348871 - 312604



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

Recommendation: Grant Permission subject to the conditions set out in Appendix 1 and that issuing of the decision notice be delegated to officers following expiry of the revised consultation period (providing that no new issues are raised).

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of two 4 storey blocks and a 3 storey infill block. The proposed buildings were initially proposed to be for student accommodation and offices only. However the description of development has recently been changed to a flexible mixed use including A1 (retail), A2 (professional and financial services), B1 (offices), D1 (non-residential institutions such as crèches, day nurseries, premises for education and medical or health services) and student accommodation. Neighbours were re-consulted and a site notice erected on 08 January 2018.
- 1.2 The proposal also includes cycle and bin storage areas, car parking and new vehicular access on to St Austin's Street.
- 1.3 It has been described as an application under Section 73A of the Town and Country Planning Act 1990 as it is part retrospective due to some of the development now proposed already partly under construction as approved under a previous permission (15/03580/FUL).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site faces St Austins Street and Barkers Street within the 'Town Centre Special Character Area' which makes up part of the larger Shrewsbury Conservation Area. Part of the site has been in use as a temporary car park and the remaining part of the site was most recently occupied by a 20th Century building used by Shrewsbury Sixth Form College that has now been demolished.
- 2.2 To the West of the site is 8 Claremont Bank which is a listed building and to the East is a Public House that is unlisted.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposal does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it is an application on land partly owned by the Council and is not in line with statutory functions.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **SC Drainage:** Suggests a condition requiring a scheme of surface and foul water drainage being submitted for approval.
- 4.1.2 **SC Waste Management:** Provides advice on the storage of waste and recyclables.

4.1.3 **SC Regulatory Services:** It is noted that there is a change from previously approved plans to reduce the secure cycle storage from one bike per student to one bike for every two students. In addition the proposals introduce car parking which was not previously found on the site. The car parking is proposed for those working at the offices incorporated into the site. Shrewsbury is a congested town at peak times and sometimes off peak. This brings with it noise, air pollution and perception of accidents and as such a move to discourage vehicles from travelling into the town centre is advocated, particularly for the workforce who would generally be expected to be travelling to and from work at peak congestion times.

I would therefore recommend that the car parking proposed is removed to encourage the behaviours promoted by the Council to combat congestion related issues (e.g. promotion of the Park and Ride service, promote parking on the edge of town and walking the final short journey to the workplace e.g. park in Frankwell and walk to the site).

In relation to noise the application should include details of how noise into habitable rooms will be made suitable ensuring the ability for students not only to live but study in an environment conducive to learning.

Finally in relation to contaminated land the proposed development is on the site of a former tannery. A site investigation and risk assessment has been undertaken and remediation to protect human health is required. It was recommended and accepted that a clean cover system is required to break the associated pathways in soft landscaping areas only.

Details of the approved scheme and required validation are detailed in the 'Tier Environmental Ground Investigation Report, Issue 2, dated 14th September 2017' and a condition is recommended requiring works to be undertaken in accordance with this.

4.1.4 **SC Highways:**

Recommendation

No Objection – Subject to the development being undertaken in accordance with the approved details and the suggested conditions.

Observations/Comments:

In principle, the proposed development is considered acceptable from general highways and transport perspective.

It has been noted, that the previous proposals for this site were subject to the introduction of a Travel Plan to partially manage the reduced parking element of the scheme as well as encourage sustainable travel. Some form of Travel or site Management Plan may still be required to manage vehicular access to enable student moving in/out. As well as to encourage the prospective office and retail staff on the site to adopt more sustainable travel habits. It is considered that an appropriate Site Travel Plan, together with its continued use and evolution, should be secured through planning condition.

It is recommended that the proposed cycle storage facilities should be covered or fully enclosed, as well as being secure. The facility should be adequately lit and ideally have an open area for cycle maintenance and/or storage facilities for wet weather clothing or other cycling accessories/tools, etc. It has been found the open bike racks have limited appeal and won't be fully utilised or encourage general/occasional cycle use.

The application does not adequately deal with servicing the site, however there is potential to amend the bus stop to a loading/unloading area across the frontage of the site. On the basis that this cannot be secured through Section 106, I suggest this is covered as an informative with the following wording. i.e. In order to provide servicing facilities to the retail units the current bus stop Traffic Regulation Order (TRO) needs to be amended to allow the loading/unloading under a revised TRO.

4.1.5 **SC Rights of Way:** No comments to make on this application

4.1.6 **SC Conservation:** We would refer you to our recent consultee comments submitted on the Discharge of Conditions application related to the approved Tannery site scheme under application 15/03580/FUL, submitted to consider and secure improvements to the original design particularly with respect to main elevations of the student accommodation block. This current full planning application follows on from this and represents a new application to supersede the original 2015 scheme, incorporating the changes and improvements to the overall proposal as reflected in the DIS application granted approval recently, and expanding on this to include a retail element to the ground floor, a lower subservient infill link building between the higher main blocks, and adding an external parking area to the west extent of the site where Block A was shown on the original scheme. Block C remains student accommodation, while Block B will accommodate office use, resulting in a more mixed use development covering the site and a more active street frontage which responds much better in terms of this town centre gateway location.

As noted in the D and A Statement the principle of the original 2015 scheme remains in terms of the location, size and positioning of the main blocks of the scheme however, and the original application extensively addressed issues of impact on the immediate and wider historic built environment and the Conservation Area as required by the relevant local and national policies, guidance and legislation in terms of historic environment matters. As illustrated in recent presentations to Planning Committee and in response to concerns raised on the initial scheme, the current revised design improves on this and incorporates asymmetrical pitched roofs to the higher blocks to provide a more interesting roofline which reflects much of the existing historic nearby town centre built form and harmonizes well with buildings of particular historic interest nearby such as Rowley's Mansion, and breaks up the mass of the blocks which was a specific concern raised on earlier schemes. Other devices have been incorporated to further reduce the buildings' bulk, for example the blocks are split into two asymmetrical bays separated by means of a downpipe, the infill elements are kept low to maintain a broken skyline, an individual shop front rhythm is incorporated across the frontage at street level, etc. The strong industrial aesthetic of the proposal is still however retained in reference to historic uses of the site, but over

the whole site the wider built form context is now better referenced and responded to. As noted in the D and A Statement, the current proposal has been developed over several meetings with the planning and historic environment team, with input from the Civic Society, Central Planning Committee and the Town Planning Committee, and we consider that the overall proposal represents a very positive scheme for this prominent town centre site.

The detailed elevations and site plan submitted with this application include side notes which in most cases denote specific building and surface materials and methods of execution, finishes and decorative paint colours which historic environment and planning officers have discussed and preliminarily agreed with the applicants; in other cases some of the finer architectural detailing, finishes and colours will still need to be discussed and agreed, and relevant conditions to address these details should be included in the Decision Notice in this regard (including window and door details, roof details, etc). This should also include a condition to agree the detail on any external advertisement signage for the various elements/uses of the buildings along with a landscaping plan to ensure these details are appropriate to the scheme and within the wider public realm. It is also recommended that the specific details of the proposed roof based solar panel array are conditioned to ensure this is of a low profile nature with a matte black finish.

- 4.1.7 **SC Archaeology:** As the Archaeological Mitigation Report by Clwyd-Powys Archaeological Trust that has been submitted with the application indicates, the proposed development site was subject to a full programme of archaeological desk top assessment, evaluation and mitigation under Condition 4 of the previous planning permission ref. 15/03580/FUL. Whilst post-excavation analysis remains ongoing under this permission, all on-site archaeological work has now been completed. Consequently, it is advised that an archaeological condition is not required in relation to the current application (17/05171/FUL). We therefore have no further comments to make on this application with respect to archaeological matters.
- 4.1.8 **Historic England:** We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 4.2 **- Public Comments**
- 4.2.1 **Shrewsbury Town Council:** Raises no objection to this application.
- 4.2.2 **West Mercia Constabulary:** Provides advice with regards to ‘Secured by Design’.
- 4.2.3 **Shropshire Fire And Rescue Service:** Provides advice with regards to Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'.
- 4.2.4 **Shrewsbury Civic Society:** Considers that the application represents the best option proposed. Their planning committee had mixed views but hopes the following points are considered:
1. The pitched roofs are welcomed (although somewhat high for the site).

2. The infill with retail street-frontage is greatly welcomed.
3. There were mixed views about the flat roof of the infill.
4. Some architects felt that a small degree of setback (at least for the ground floor) of the “infill” would provide further articulation and a more interesting street facade.
5. There was interest in the metal-clad links between the Infill and the Blocks. The colour and form of these was critical and should therefore be Conditioned.
6. Some concerns about ‘overlooking’ were noticed and we trust that planners will evaluate this respectfully for all parties.
7. There have been concerns about bright blue as a cladding colour and so the details of the rear cladding of the infill section should also be conditioned.

4.2.5 **8 letters of objection summarised as follows:**

- ❑ The application fails to respect the adjacent listed buildings or incorporate features characteristic of Shrewsbury architecture.
- ❑ It will do nothing to enhance the town in anyway.
- ❑ No attempt has been made to consider the future of the open spaces surrounding Rowley's House and the future road pattern when hopefully the area is pedestrianized and transformed into well designed and landscaped public open spaces.
- ❑ Four storeys are too large for the site and the height and volume provides an unacceptable chunk of brickwork as seen by the listed buildings of Claremont Place.
- ❑ The addition of the pitched roof now takes the two main blocks above existing rooflines and will make them out of keeping with the area and will dominate and be over-bearing.
- ❑ The buildings will be at least a storey higher than the adjacent Albert's Shed and it would be less obtrusive if the new building were to be three storeys, in which case the pitched roof would be at a similar level to that of Albert's Shed.
- ❑ The rear of the buildings under construction are much too close to the cottages in Claremont Place.
- ❑ The roofline should be parallel to the street and not at right-angles to it.
- ❑ A pitched roof is far more appropriate than the original flat roof but should be a single gable on each of the two blocks.
- ❑ The failure to introduce some variety in the street facade means that the result is a boring brick wall pierced by a boring pattern of boring fenestration. Some decoration is essential to provide some relief and interest in the street scene.
- ❑ Loss of light and loss of privacy for the cottages and houses in Claremont

Place.

- ② A request that any windows with views towards the terrace of properties on Claremont Place are fitted with opaque glass to protect privacy.
- ② A request to swap Block A and C and therefore have the offices closest to the residents and the students closest to the car parking.
- ② Loss of a view of the rooftops of Shrewsbury from Claremont Place.
- ② A restrictive covenant must be put in place to prevent at any time, now or in the future, these buildings being used in part or in whole for restaurant, nightclub or music venues and activities and that no licences for nightclubs and restaurants or loud music be awarded to these premises.
- ② Noise issues late at night as the entrance is quite close to the back of properties in Claremont Place.
- ② Devaluation of existing properties.
- ② Considers that the building that is now being constructed does not have planning permission for this amended design.
- ② It is good that car-parking is part of the current plans, but it is essential that a restriction is made on further development so this is not later lost. The proposed offices will otherwise put even more pressure on town-centre parking.
- ② A request to allow local residents to have permit-parking in the proposed car park.

4.2.6 **One letter of support summarised as follows:**

- ② Of the three designs that have been presented for this development this is the most successful.
- ② The two residential blocks together with the lower infill adds a dignified frontage to Barker Street as well as continuing the rhythm of the buildings along the street.
- ② Not only does it clearly suggest the character of the industrial type buildings that were formerly on the site but its height and bulk help to hide the rather cluttered skyline to the rear.
- ② The materials used are good, the gables and pitched roofs are both appropriate and responsive to their neighbours.
- ② The introduction of retail on the lower floor is also to be welcomed as bringing life and activity throughout most of the day.
- ② One jarring note is the decorative brickwork on the gable ends of the street

facade which is quite unnecessary and whilst understandable as a reflection of Rowley's House is simply a distraction.

- ☐ Considers that this group can make an impressive addition to this part of the town, an area which, although centred on one of Shrewsbury's most iconic buildings - Rowley's House, is somewhat run-down.

5.0 THE MAIN ISSUES

- ☐ Principle of development
- ☐ Scale, design and appearance and impact on the character and appearance of the conservation area and the setting of nearby listed buildings.
- ☐ Impact on residential amenity
- ☐ Access, parking and cycling provision
- ☐ Contaminated land
- ☐ Archaeology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of development of this site for student accommodation has already been established by the previous permission for three blocks of student accommodation. This revised scheme relates to a flexible mixed use to include student accommodation, offices, retail, professional and financial services and non-residential institutions such as crèches, day nurseries and premises for education and medical or health services. These are all main town centre uses considered to be appropriate development within the town centre.

6.1.2 The proposal therefore accords with CS2 that identifies Shrewsbury as the primary focus for residential, retail and commercial development and also with the principles of the NPPF representing sustainable development on a previously developed site in a Town Centre location.

6.2 Scale, design and appearance and impact on the character and appearance of the Conservation area and the setting of nearby listed buildings.

6.2.1 The proposed site is situated within Shrewsbury Conservation Area and there are listed buildings nearby and the proposed development has the potential to impact on these heritage assets. The proposal needs to be considered against Shropshire Council policies MD2, MD13, CS6 and CS17 and with national policies and guidance including section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.2.2 Planning permission (15/03580/FUL) has already been granted for three blocks of four storey student accommodation (labelled block A, B and C) and this established the layout, scale and form of the buildings. Work has commenced and the frame of

block C (that is also part of this current application) has been erected. The details of the proposed choice of external materials, detailing and finish required to be submitted for approval under a) – g) of condition 5 attached to this permission have already been submitted and approved in relation to block C of the original approval. These details included removal of the bulky cornice that was on the initial proposal which is now replaced with an asymmetrical pitched roof with a double gable to the street elevation. It is considered that this provides a more interesting roofline that better reflects the existing historic built form of nearby buildings.

- 6.2.3 In addition to the two pitched roof four storey blocks (C and B) that already have approval, this revised proposal includes a flat roof three storey infill block with retail proposed for the whole of the ground floor. This will provide a more active and continuous street frontage. The lower flat roof infill will also provide a broken skyline providing a more interesting façade to the street in common with the variety of street frontages in Shrewsbury. Conditions are recommended to require the detail and colour of the material for the infill block to be submitted for later approval.
- 6.2.4 It is considered that the details submitted to discharge condition 5 in relation to block C and that is now also proposed for block B and forms part of this revised proposal are acceptable and will enhance the character and appearance of the buildings and the street scene compared to the previously approved scheme. The provision of the infill block and the continuous street frontage and the variety in the roof heights will further enhance the proposal.
- 6.2.5 Both planning officers and the Conservation officer consider that the proposed scale, design and layout of the buildings now proposed is acceptable and would enhance the character and appearance of this part of Shrewsbury Conservation area and would have no adverse impact on the setting of nearby listed buildings. It is therefore considered that the proposal accords with MD2, MD13, CS6 and CS17.
- 6.2.6 It is considered that any 'less than substantial harm' to the setting of nearby listed buildings is outweighed by the public benefits of the proposal including the benefit of bringing a vacant site and unsightly gap within the Conservation area back into use and the significant social and economic benefits of the proposal. It is considered that the requirements of both paragraph 133 and 134 of the NPPF and section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been met.

6.3 **Impact on residential amenity**

- 6.3.1 Now that block C (that already has approval) is under construction more objections have been received from the residents in Claremont Place situated to the rear concerned with the proximity and height of the building and the potential loss of light, loss of privacy, overbearing impact, loss of a view and devaluation of properties.
- 6.3.2 At the time when the original application was determined an overlooking study was submitted to assess the views between windows of the rear of existing properties in Claremont Bank and Claremont Place and the windows in the proposed development, and focused on those windows where there would be a distance of less than 18 metres between windows serving habitable rooms. There were only 7

existing windows serving habitable rooms where the distance would be less than 18 metres from windows in the proposed development (2 in Claremont Place and 5 in Claremont bank). The distances ranged from 15.67m up to 17.97 m and it was considered that as the existing windows would only be impacted by indirect views (as the windows would all be at an oblique angle and not directly facing each other) the proposal would not result in significant unacceptable levels of overlooking and loss of privacy.

- 6.3.3 This revised proposal omits the originally approved block A and therefore will not impact on the occupiers of the dwellings in Claremont Bank. The approved block C under construction is situated directly in front of numbers 8, 9 and 10 Claremont Place, which are three properties at the end of a terrace situated on higher ground to the rear of the site. With regards to overlooking the nearest windows will be the three proposed in the rear elevation of block C (one each at first, second and third floor level). The applicant is willing for these windows to have restricted opening and be obscure glazed. The imposition of a condition requiring this, and that no additional windows will be added, will ensure that the proposal does not result in overlooking and a loss of privacy.
- 6.3.4 Building C as now approved with a pitched roof instead of a flat roof is obviously higher to the ridge and will obscure the views previously enjoyed across the roof-scape of this part of Shrewsbury. However there is no right to a view and the impact on property value is not a material planning consideration. Although the proposal will appear as a large building in front of the properties of Claremont Place and that the outlook from the windows will be towards the rear wall of the new building it is not considered that the new buildings would appear significantly overbearing or obtrusive that would justify refusal of the application. It is also considered that the proposal would not result in a significant loss of light.
- 6.3.5 Some residents have raised concern about the potential noise from students around the building and particularly at night at the entrances to the building. The entrance is situated to the side of the building and not the rear, and the site is situated within a busy part of town centre where external ambient noise levels are already high. It is therefore considered that the occupation and use of the buildings by students would not add significantly to the noise and activity that already exists in the area.
- 6.3.6 Public Protection has requested details of how noise into habitable rooms will be made suitable to live and study. The detail of the windows now proposed is the same as previously approved and it was advised that all student bedrooms would be provided with a means of background ventilation negating the requirement for the windows to be opened but that the windows will be provided with opening restrictors. This will help restrict both outside noise being heard from within the building and vice versa.
- 6.3.7 Residents in Claremont Place have also requested that the use of the blocks are swapped so that the block nearest to them is used as offices. However although the proposal currently indicates offices to be within Block A the proposal is for a flexible mixed use to include offices, retail, professional and financial services and non-residential institutions such as crèches, day nurseries, premises for education and medical or health services. This will enable flexibility of the use of all of the

buildings within use class A1, A2, B1 and D1 in addition to student accommodation. This is designed to provide flexibility and to enable all of the buildings to be used for any of the uses within these use classes without the need for planning permission for change of use. It is considered that the use of the buildings for the mix of use classes indicated would have no adverse impact on residents in the vicinity of the site.

6.3.8 Residents have also requested that a restrictive covenant be put in place to prevent the buildings being used in part or in whole for restaurant, nightclub or music venue. This is not required as these uses would all require a planning application for change of use and the implications of a different use of the buildings would be fully considered if and when such an application were submitted.

6.4 **Access, parking and cycling provision**

6.4.1 The proposal provides for separate vehicular and pedestrian access to the site to serve the offices and student accommodation but there is no provision for servicing the retail aspect of the proposal. A Traffic Regulation Order will be required to amend the bus stop to a loading/unloading area across the frontage of the site. Highways have no objection to this and the proposed access arrangements.

6.4.2 The proposal includes a surface car park in place of the previously approved Block A. Public Protection have requested that this aspect of the proposal is removed to discourage vehicles (and particularly the future occupiers of the offices) from travelling into the river loop by private car and to encourage the promotion of the Park and Ride service, and parking on the edge of town and walking the final short journey to the workplace e.g. park in Frankwell and walk to the site, in order to combat congestion related issues such as noise and air pollution.

6.4.3 This aspect of the proposal has been discussed with the applicant and as a compromise (to provide flexibility with regards to the future use and development of the site) a condition is recommended restricting the use of the part of the site as a carpark for a temporary period of 5 years. This has the added benefit of ensuring that an alternative application for development of the site would hopefully come forward in a timely manor as the provision of a carpark (however well landscaped) and the gap in the street scene has a negative impact on the character and appearance of the Conservation area.

6.4.4 Public protection has also noted that there is a change from the previously approved plans to reduce the secure cycle storage from one bike per student to one bike for every two students. This is considered acceptable with the site being within Shrewsbury Town Centre and all services and facilities (including the train station, bus station and the University buildings) being within walking distance of the site. However a condition is recommended to ensure that cycle storage provision is increased as the number of students increases and the demand arises.

6.5 **Contaminated land**

6.5.1 Due to its previous uses a contaminated land condition was imposed on the previous permission. Site investigation and risk assessment has been undertaken and the proposed remediation required to protect human health has been

approved. The details of the approved remediation scheme and required validation are detailed in the submitted Tier Environmental Ground Investigation Report and a condition is recommended to be imposed requiring works to be undertaken in accordance with this.

6.6 **Archaeology**

6.6.1 As the site had the potential to hold archaeological interest the previous approval secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). Prior to work commencing a WSI was submitted and approved and the proposed site has been subject to a full programme of archaeological desk top assessment, evaluation and mitigation. The Councils Archaeologist has advised that post-excavation analysis is still ongoing but all on-site archaeological work has now been completed and therefore no archaeological condition is required.

6.7 **Other Matters**

6.7.1 Shropshire Fire and Rescue, West Mercia Constabulary, SC Waste Management and SC Drainage have all made recommendations and provided advice and information. The applicant will be made aware of this advice and information by the informants recommended to be imposed on any planning approval.

6.7.2 The proposed development will be subject to Building Regulation approval and also the Management of HMO Regulations and this will ensure that the standard and maintenance of the student accommodation aspect of this proposal is acceptable. Building Regulations approval would be required to satisfy the requisite fire safety, acoustic and sustainability standards (including drainage, insulation, heating and ventilation). The Management of HMO Regulations sets out various responsibilities which landlords should comply with, including the provision of safety measures (e.g. fire escapes, firefighting equipment), a duty to provide waste disposal facilities and essential services such as water, gas and electricity and a general duty to maintain the living accommodation to an adequate standard.

7.0 **CONCLUSION**

7.1 It is considered that the proposed development is acceptable in principle in this sustainable location within Shrewsbury Town Centre making efficient and effective use of this brownfield site. It is considered that the proposed scale, design and layout of the buildings now proposed is acceptable and would enhance the character and appearance of this part of Shrewsbury Conservation area and would have no harmful impact on the setting of nearby listed buildings.

7.2 It is also considered that the proposal would have no significant adverse impact on residential and local amenity. The proposal is therefore considered to accord with the NPPF and Shropshire LDF policies CS2, CS6, CS17, MD2 and MD13, and regard has been given to section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS2, CS6, CS17, MD2 and MD13

RELEVANT PLANNING HISTORY:

15/03580/FUL: Erection of three (4-storey) blocks of student accommodation; one (3-storey) block of management and post-graduate accommodation; new/altered vehicular access; cycle parks; and ancillary works GRANT 18th October 2015

17/02439/DIS: Discharge of condition 3 (Contaminated Land) (in relation to block C only) and 4 (WSI) attached to planning permission 15/03580/FUL Erection of three (4-storey) blocks of student accommodation; one (3-storey) block of management and post-graduate accommodation; new/altered vehicle access; cycle parks; and ancillary works DISAPP 20th October 2017

17/04172/DIS: Discharge of condition 5 (in relation to Block C) on Planning Permission 15/03580/FUL for the erection of three (4-storey) blocks of student accommodation; one (3-storey) block of management and post-graduate accommodation; new/altered vehicular access; cycle parks; and ancillary works DISAPP 27th October 2017

11. Additional Information

List of Background Papers: File 17/05171/FUL (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 Nat Green

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

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

4. a) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy within the Tier Environmental Ground Investigation Report, Issue 2, dated 14th September 2017..

b) 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.

c) 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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared which 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. The remediation proposal is subject to the approval in writing by the Local Planning Authority.

Reason: to protect the health of future users.

5. Notwithstanding the details indicated on the submitted drainage layout plan prior to completion of the buildings and the landscaping of the site (including hard surfacing) a scheme of surface and foul water drainage shall be submitted to and approved in writing by the Local

Planning Authority. The approved scheme shall be fully implemented before any part of the development is first occupied and/or brought into use.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

6. Notwithstanding the landscaping indicated on the approved layout plan prior to completion of the buildings and the landscaping of the site (including hard surfacing) full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') shall be submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

7. Notwithstanding the details of the external materials indicated on the approved plans (including external walls, roofing materials, proposed roof based solar panels, and windows and doors), prior to the relevant parts of the works commencing on any part of the development (other than Block C) full details and/or samples of the relevant materials including architectural detailing, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details. The external materials and detailing for block C shall be carried out in complete accordance with the details submitted and approved under discharge of conditions application 17/04172/DIS or in accordance with alternative details to be submitted for approval.

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

8. Prior to the development hereby permitted being first brought into use, the vehicle and cycle and pedestrian entry access points and visibility splays shall be completed fully in accordance with the approved details, and covered and secure (residential) cycle storage shall be provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. Secure and covered cycle parking provision shall be increased as student numbers increase to provide at least one space per every two students.

Reason: To ensure a satisfactory means of access to the development in the interests of highway and pedestrian safety, and to ensure that there are suitable cycling facilities available to support and encourage sustainable travel movement.

9. A total of 3 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species and sparrow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

10. Prior to the development being first occupied/brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall remain in force for the lifetime of the development.

Reason: To promote sustainable travel to the site, promote health benefits and reduce carbon emissions.

11. Prior to the development being first occupied/brought into use the proposed footway alterations along the St Austin's Street site frontage shall be constructed in accordance with full engineering details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory means of pedestrian access to the highway.

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

12. The surface car parking area indicated on the approved plan shall cease use as a car park within 5 years from the date of this permission.
Reason: The provision of car parking in this location would encourage additional cars within the river loop (impacting on congestion and air quality) and does not encourage alternative sustainable means of transport to the town centre. It is also considered that the car park would not enhance the character and appearance of the Conservation area. The temporary period of 5 years is considered to be an appropriate length of time for a proposal for an alternative development of the site to be submitted

13. The windows in the rear South West facing elevations shall be permanently formed with restricted opening and glazed with obscure glass and shall thereafter be retained as such. No further windows or other openings shall be formed in the South West facing rear elevation.
Reason: To preserve the amenity and privacy of adjoining properties.

14. No construction and/or demolition work shall be undertaken outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.
Reason: to protect the health and well being of residents in the area.

15. Notwithstanding the details of any signage indicated on the approved plan no advertisement material shall be erected within the site or on any of the buildings hereby approved without the relevant advert consent first being obtained.

Reason: To ensure a satisfactory appearance to the development.

This page is intentionally left blank



Committee and date
 Central Planning Committee
 15 February 2018

Item
9
 Public

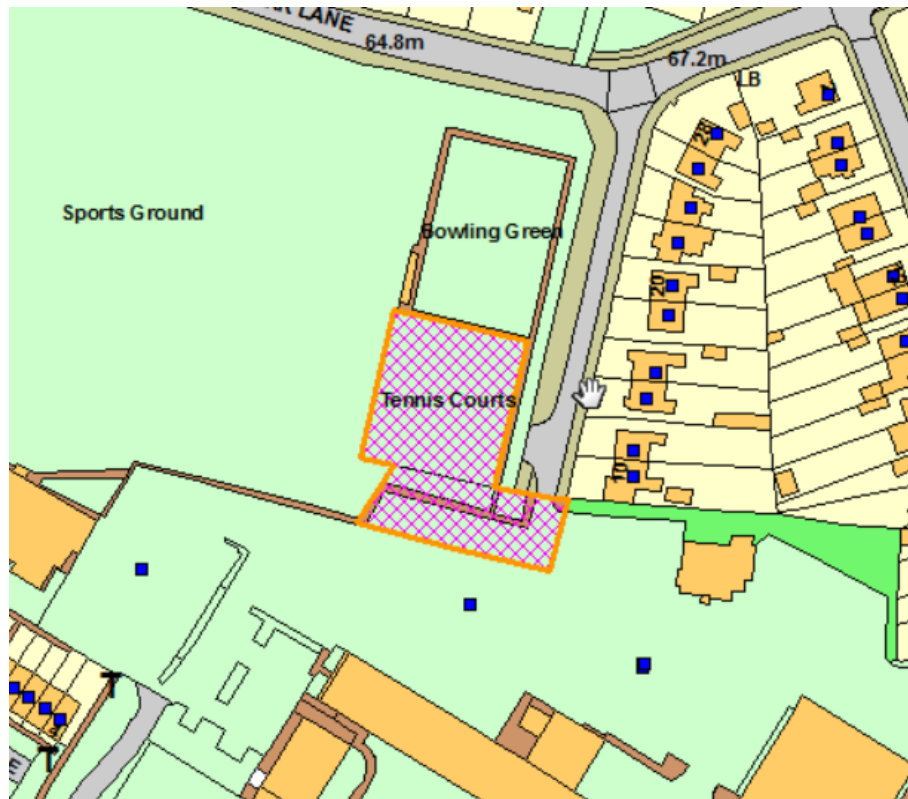
Development Management Report

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

Summary of Application

<u>Application Number:</u> 17/06119/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Change of use of former tennis courts to form additional council staff car parking for a temporary period of up to 2 years.		
<u>Site Address:</u> Shropshire Council The Shirehall Abbey Foregate Shrewsbury Shropshire		
<u>Applicant:</u> Shropshire Council		
<u>Case Officer:</u> Shannon Franklin		<u>email:</u> planningdmne@shropshire.gov.uk

Grid Ref: 350652 - 312176



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for a temporary period of two years for the change of use of former tennis courts to form additional council staff car parking.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application relates to 2no.tennis courts situated to the north of Shirehall car park within the area of Belvidere approximately 1.6km to the east of Shrewsbury town centre. The tennis courts are currently in a state of disrepair and its boundaries are formed by a metal chain link fence.
- 2.2 The site is bounded to the north by a bowling green, to the east by Belvidere Road on the opposite side of which are semi-detached residential properties, to the south by a 6m wide grass verge and pavement beyond which lies Shirehall's existing car park and to the east by recreational playing fields.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The application is made by the Council on land owned by the Council for development which is not in line with statutory functions and is therefore required to be determined by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Shrewsbury Town Council

The Town Council raises no objections to this application.

4.1.2 SC SUDS

No objection has been raised to the application however the applicant should implement an appropriate sustainable drainage scheme. The relevant Guidance provided by the council and within the Planning Practice Guidance should be adhered to and preference should be given to drainage measures which allow rainwater to soakaway naturally.

4.1.3 SC Parks and Recreation

No comments to make on this application.

4.1.4 SC Highways

No Objection subject to conditions (30/01/2018)

Notwithstanding the comments of WSP, the car park is served via the Shirehall car

park and therefore has no direct impact upon the public highway. Therefore no objection is raised to the granting of a 2 year temporary planning permission with regard to the layout and details as shown, acknowledging that it is the intention of the Council to look long term at the parking issues serving the Shirehall. Care will need to be taken regarding the lowering of the kerb as shown and the gradient fall into the car park to ensure that vehicles would not ground out. Some simple levels taken would confirm this and/or the need to consider the fall from the current car park level to the new parking level.

Additional Information Required (24/01/2018)

The proposed development seeks change of use of the former tennis courts to the rear of the Shirehall to form additional staff parking. Whilst the principle of the development is acceptable more details of the proposed access to the new parking are required. There is a level difference between the existing car park and the tennis courts and no details have been submitted regarding current levels and proposed construction of the access to address the difference. All areas, including the access entrance should have a tarmacadam surface.

The following further information is requested:

- Construction details of the access to the new parking area including measures to address the level difference and a long section plan.

Parking spaces should measure a minimum of 2.4 x 4.8 metres with a 6 metre clearance between bays for manoeuvring.

4.2 - Public Comments

4.2.1 The residents of ten neighbouring properties were individually notified by way of publication of this application in addition to a site notice being displayed outside the application site. At the time of writing this report, one representation in support of the scheme and one in objection had been received. The reasons noted within the objection are outlined below:

- Loss of another facility within Belvidere despite community objection
- Demonstrates CIL money not being utilised for community benefit
- Will set a precedent for open spaces to be used for housing development
- Encourages an increase in traffic

4.2.2 The representation in support of the scheme cited the following reasons:

- Good alternative use for the disused courts
- Would help alleviated on street parking issues surrounding Shirehall

4.2.3 Shropshire Playing Fields Association

Shropshire Playing Fields Association objects to the proposed loss of two community tennis courts whose purpose has been to enhance the health and well being of their own workforce their families and members of the surrounding local community.

There is no indication from the application that Shropshire Council intend replacing or providing similar facilities nearby, so we can only assume this will be a loss of valued community open space, without compensation.

In recent years Shrewsbury has lost access to similar community open spaces are:

- Radbrook College site; 4 tennis courts and grass pitch
- Copthorne Barracks site; football and cricket pitch
- Shrewsbury Football Club site; community football pitch
- Meoloe Brace School; grass sports pitch
- Castle Walk; loss of community access to sports pitches enclosed by security fencing.

The proposal to erode the valued open space social facilities at the Shirehall and use it for car parking, we believe goes against national and local planning guidelines and policy. The people of Shrewsbury including its young people are currently experiencing an obesity crisis that is putting immense pressure on the health service increasing levels of physical activity is one crucial tool being used to combat the problem, whether it be playing sport, walking or cycling to school or work.

This application if approved will only encourage more usage of the car by providing 60 more car parking space, reducing numbers opting to cycle and walk to work whilst also denying access for people to a diminishing stock of open spaces and accessible facilities, this makes no sense and is certainly not a sustainable proposal.

We believe this application poses a real threat to the whole future of this open space area and rather than it be destroyed and lost forever it should in fact be considered a jewel in the crown worthy of future investment by Shropshire Council. We believe the site provides a viable dual use opportunity. We propose the Council should consider resurfacing the two-tennis court area, to provide a multi-functional sport facility area that would be available to the local community at weekends and in the evenings. It should be designed to allow overflow car parking during the working week 7.00am to 5.00pm Monday to Friday for staff and visitors to the Shirehall. The area should be floodlit to maximise usage and to enhance security. The cost of such enhancement could be met from CIL money and from charging staff and visitors when parking their cars at the Shirehall.

In addition, we draw officers and members attention to Paragraph 73 of the NPPF 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. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is*

required".

Quite simply after many years of being asked Shropshire Council planning authority has still not provided a robust up-to-date assessment as is required under national planning policy guidelines, so have no data available upon which officers or members can make an informed decision.

Shropshire Council's current Local Plan (2006-2026) comprises of the Core Strategy (2011) and the Site Allocations and Management of Development of Adopted Plan (SAMDev 2015).

Policy CS6 - seeks to ensure that all development contributes to the health and wellbeing of communities, this includes safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Clearly replacing two community tennis courts for the purpose of parking a car does not contribute to the health and well being of the local community.

Policy CS8 seeks to ensure the protection and enhancement of existing facilities and services that contribute to quality of life. Clearly the protection of existing sporting facilities is not being adhered to in this instance and indeed the need to enhance the facilities for the benefit of its own staff over recent years has also not been adhered to even though Shropshire Council are responsible for doing so in respect of this piece of land

Policy CS9 - Infrastructure Contributions; The immense amount of development that has taken place over the past decade and is proposed to continue through the advancement of the nearby development off Preston Street would suggest there is a need for more open spaces to be retained for their purpose and for some of the CIL money from these developments to be invested in the enhancement of existing open space infrastructure to support these developments. We also believe the application would be against the proposed integrated transport plan which is encouraging more sustainable options like cycling and walking as a main option for staff to access the workplace.

- 4.2.3 At the time of writing this report the consultation period for the application had not expired however it will have prior to the date of the relevant Committee. As such should any additional representations be received prior to the Committee members will be informed.

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Siting, scale and design**
 - **Visual impact and landscaping**
 - **Highways**

- **Residential Amenity**
- **Other issues**

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The key determining policy in this instance is Policy CS8 Facilities, Services and Infrastructure Provision. This policy aims to develop sustainable places in Shropshire and maintain and enhance existing services and facilities. In addition the policy seeks to ensure timely provision of additional facilities, services and infrastructure to meet identified needs.
- 6.1.2 Policy CS7 Communications and Transport acknowledges the need to support development which enables the provision of a sustainable pattern of development including maintenance and improvement of transport and infrastructure and services. Policy CS7 confirms that integrated transport infrastructure and services to meet local needs should aim to minimise the impacts of transport and traffic on communities and the environment.
- 6.1.3 Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles confirms alterations and extensions to existing facilities such as car parking, is acceptable providing relevant criteria are met and proposals are appropriate in scale, density, pattern and design. SAMDev Policy MD2 which additionally seeks to achieve local aspirations for design where possible and safeguard residential and local amenity.
- 6.1.4 Section 7 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
- 6.1.5 Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
- 6.1.6 While the provision of additional car parking facilities at the proposed site does not directly provide an integrated and sustainable transport package it is considered that as the proposal addresses the short term identified local need for additional parking at Shirehall to alleviate on street parking within the neighbouring residential areas, while allowing the Council time to compile and implement a full car parking strategy and travel plan which fully complies with policy, as such it is considered that the proposal is compliant with the aims of Policy CS7 and CS8 and is therefore acceptable in principle.
- 6.1.7 In terms of the design and relation to the locality the use of a redundant hardstanding facility, previous used as tennis courts, to provide additional parking reducing the on street parking nearby, will contribute to improving the facilities in the locality and the functioning of the existing Council car parking facilities. The

proposal is therefore considered to be in line with Policy CS6, CS17 and MD2.

6.2 Siting, scale and design

- 6.2.1 The application site is located immediately north of the existing car parking facilities associated with Shirehall. The site can be accessed via the existing car park with no additional highways connection required and it is therefore considered by officers that the siting of the proposal is acceptable.
- 6.2.2 In considering the design of the proposal the car parking space layout meets the minimum size criteria, the majority existing landscaping to the southern boundary is to be retained or compensated for and it has been demonstrated that an access ramp of a suitable gradient can be provided into the site. Officers therefore consider the design to be acceptable.
- 6.2.3 The proposal seeks to utilise 2no. disused tennis courts for additional car parking facilities to serve the Shirehall. The area of land subject to this change of use equates to approximately 1150m². Excluding the minor alterations forming the access ramp no additional hardstanding, lighting or drainage facilities are required to facilitate the development.
- 6.2.4 The proposal will provide an additional 47no. spaces for use by users of Shirehall which equates to a 9.3% increase in the overall number of spaces provided on site. This increase is considered to be relatively minor and together with the limited site area and lack of additional hardstanding required, the overall scale of development is considered to be limited.

6.3 Visual impact and landscaping

- 6.3.1 The principle public viewpoints of the proposal will be from points along Belvidere Road. It is also possible that glimpses of the development will be visible from Dark Lane through the existing mature species coniferous hedging and at the junction with Belvidere Road. The views of the proposal from this point will be in the context of the bowling green to the north and the existing car parking to the south.
- 6.3.2 With regards to the most prominent viewpoints from Belvidere Road, given the existing parking facilities of Shirehall located to the south and the residential setting it is not considered that parking facilities would constitute an alien feature.
- 6.3.3 Officers note that the proposed car parking facilities are to be at a lower level than Belvidere Road and the visual impact is therefore reduced. In addition no additional hardstanding, drainage facilities or lighting is proposed as part of the application further limiting the visual aspects of the application.
- 6.3.4 The submitted documentation confirms that the access can be achieved while retaining 4no. existing mature trees to the southern boundary, one tree will be removed and an additional 2no. trees planted in replacement in an alternate location. The retention of these existing trees; which be secured by condition, will further assist in reducing the visual impact of the development.
- 6.3.5 From all other viewpoints; within the existing Shirehall car park and from the recreational playing fields to the west, the additional parking will be seen in the context of the existing carpark, adjacent trees and hedge planting and the residential dwellings on the east side of Belvidere Road. Officers consider the visual impact and landscaping arrangement to be appropriate in this respect.

6.4 Highways

- 6.4.1 The application site will utilise and access from the existing car park and therefore no additional connections to the wider highways network is required. As a result there are no concerns identified in relation to highways safety or the access and egress of the site.
- 6.4.2 The highways consultee initially objected to the scheme due to insufficient information ascertaining to the construction detail of the access ramp however it has been confirmed through further discussions that this additional information can be provided via an appropriately worded condition and it is therefore no longer a cause for concern.
- 6.4.3 It is widely acknowledge that the current parking facilities at Shirehall comprising of 328 parking spaces for staff, 177 visitor, member and contractor spaces, with an additional 182 car parking spaces within the overflow car park situated off London Road does not meet the current demand. As a result staff and visitors regularly utilise on street parking within the residential area of Belvidere, particularly along Dark Lane and Belvidere Road. The provision of this additional car parking facility, albeit on a temporary basis, will reduce the on street parking within the locality; reducing congestion, improving highways safety and improving the overall visual appearance of the residential streets on which multiple cars are currently parked.
- 6.4.4 A further benefit identified by is that the proposal; which seeks additional parking for staff only, will relieve pressure on the visitors' car park which is currently used by staff when the main car park is at full capacity. This will in turn improve the functionality of the range of car parking provided at Shirehall and improve the overall experience for visitors utilising the facilities on the wider site.
- 6.4.5 In addition the provision of this temporary car parking measure enables the Council to compile and implement a full car parking strategy and travel plan which will consider more options, and assess the optimum and most sustainable level of parking provision.
- 6.4.6 A parking and travel survey has already been undertaken and the results presented to the Council members. There is a definitive commitment to implementing an improved parking and transport scheme at Shirehall as part of the overall Shirehall Redevelopment and Refurbishment Scheme. As such it is reasonable to assume that the full car parking strategy and travel plan will be significantly more advanced in its production and implementation within the two year period sought for the temporary permission and as such this timeframe is acceptable.
- 6.4.7 While the proposal in its basic format offers a short term solution to the identified need for additional parking, in the long term it will enable a more sustainable approach to travel, parking and parking provision at Shirehall meeting the criteria of CS7 of the Core Strategy as well as the promotion of sustainable transport within the NPPF.

6.5 Residential Amenity

- 6.5.1 Officers have considered the potential impact on residential amenity and conclude that the scheme represents a neutral to slight benefit.

- 6.5.2 The proposed car parking facilities do not seek to introduce any additional lighting which could negatively impact the residential dwellings on the east side of Belvidere Road. In addition due to the difference in ground levels and the bank up from the car park towards the dwellings, the headlights of the cars utilising the car park will not shine into the windows or impact the living accommodation of these properties.
- 6.5.3 In terms of a wider reaching consideration the reduction in on street parking in the streets surrounding the development is considered to represent a positive improvement in residential amenity and the acknowledged issues arising from this practice.

6.6 Other issues

6.6.1 The Shropshire Playing Fields Association and one local resident have objected to the application due to the loss of community recreation facilities. The 2no. tennis courts subject to the application have not been in use for their intended purpose for a period in excess of 5 years and therefore are not considered to constitute current provision of sporting facilities. Due to the length of time since the site was last in use and the fact that a tennis court does not constitute a playing pitch or playing field in accordance with paragraph 74 of NPPF it has therefore been determined that Sport England do not need to be consulted with regards to the application.

6.6.2 The PPG advises that local planning authorities are statutorily required to consult Sport England in certain cases where development affects the use of land as playing fields however as explained Sport England are not statutorily required to be consulted as the proposed development does not affect a playing field. The PPG also advises that where there is no statutory requirement to consult, local planning authorities are advised to consult Sport England in cases where development might lead to:

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

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

- 6.6.3 Where there is conflict identified with policy CS6 due to the loss of the 2no. tennis courts the impact of this harm is first reduced as the loss is limited to a 2 year period, in addition to being significantly reduced as the courts have clearly not been used for significant period of time. It is understood that the tennis courts subject to the application not been utilised for their intended period for a number of years and have fallen into a dilapidated and redundant state due to a combination of lack of demand and lack of funding.
- 6.6.4 The applicants, who have sought a two year temporary permission, have confirmed

within the submitted documentations that there is opportunity for the tennis courts to be reinstated following the expiration of the permission and that the current surface and drainage arrangements will be maintained for the duration of the permission such that reinstatement would be possible.

- 6.6.5 In considering the proposal officers conclude that the identified benefits of the proposal; the reduction in on street parking within the vicinity, the limited scale of the development and lack of additional hardstanding proposed, and the proposal enabling a full review and more sustainable provision of transport and parking facilities at Shirehall, outweigh the limited harm identified due to the loss of 2no. disused tennis courts for a temporary period of two years.

7.0 CONCLUSION

- 7.1 The works are judged to be in scale and appropriately sited and of no demonstrable harm in terms of visual impact. Given that the proposal is for a temporary period of two years, the benefits of the proposal are considered to outweigh the harm identified and therefore is considered to be in accordance with the determining criteria of the relevant policies including CS6 and CS8 and approval is therefore recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/10/00562 Ground changes REC

10/05475/FUL This is a case for testing. test This is a case for testing. test This is a case for testing. test This is a case for testing. test.for test 10.1.2 xxxxx zzz CBR 30th January 2018

PREAPP/11/00917 test for pre app NPW 14th June 2011

PREAPP/11/00918 test INV

12/00864/ADV ONLINE PORTAL TEST 27 FEB 2012 REC

12/01823/DIS Discharge of Conditions 3, 4, 5, 6 and 7 relating to planning permission

11/05595/FUL and 11/05596/LBC DISAPP 7th June 2013

12/02232/ADV TEST advert application for payment testing REC

16/00446/PSPPA Application for prior approval under Part 14, Class J of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the installation of roof mounted solar panels PNR 31st March 2016

17/06119/FUL Change of use of former tennis courts to form additional council staff car parking for a temporary period of up to 2 years. PCO

SA/86/0978 Erection of a two storey pitched roof extension at rear to provide staff toilet, laundry room, dry store and three number bedrooms. PERCON 18th December 1986

SA/87/1214 Change of Use from guest house (Class C1 1987 Use Classes Order) to office accommodation (Class B1 1987 Use Classes Order). REFUSE 21st January 1988

SA/88/1277 Proposed staircase to existing gantry. PERCON 2nd December 1988

SA/83/0021 Internal alterations to use existing Boarding House as Sheltered Home for the Elderly, including the provision of wardens accommodation. PERCON 22nd March 1983

SA/89/1236 Change of use of existing dining room for sale of teas, coffees and snacks. PERCON 22nd November 1989

SA/91/1205 Installation of up to a maximum of 30 microwave antenna on the roof for telecommunication purposes. REFUSE 8th January 1992

SA/00/1077 Erection of 1 no. 3.5 metre stub tower with 4 no. antennae and 2 no. microwave dishes (600mm and 300mm diameter), 2 no pole mounted antennae (total height 6m approx), equipment cabin and ancillary equipment on rooftop. PPNREQ 6th October 2000

SA/05/1591/F Installation of 10 transmission dishes to existing electronic telecommunications base station on roof PERCON 22nd December 2005

SA/01/1597/F Erection of 2no. 0.6m dishes, 3 no. 0.3m dishes, 3no. 1.7m antennas and development of ancillary thereto. PERCON 30th January 2002

SC/CC1995/0035 Construction of single-storey extension to cafe PERMIT 27th July 1995

SC/CC1993/0049 Provision of a recycling centre for glass, steel and aluminium cans, newspapers and magazines, and textiles PERMIT 9th March 1994

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr. Hannah Fraser

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be for a limited period being the period of 2 years from the date of this permission. At the end of this period the development hereby permitted shall cease.

Reason: To enable the provision and implementation of a full car parking strategy and travel plan for the wider site of Shirehall, which considers more travel options, and assesses the optimum and most sustainable level of parking provision.

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. Prior to commencement of development construction details of the access to the new parking area including measures to address the level difference and a long section plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the level difference between the existing car park and the tennis courts is addressed satisfactorily and does not impact upon highways safety.

4. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

5. No works or development shall take place until full details of all proposed replacement tree planting, including their location and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To reduce the visual impact of the proposal and ensure there is no loss of amenity to the sites southern boundary.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT****Informatives**

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

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

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

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

Works on, within or abutting the public highway:

This planning permission does not authorise the applicant to:

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

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

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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

-



<u>Committee and date</u>
Central Planning Committee
15 February 2018

Item
10
Public

Development Management Report

Responsible Officer: Tim Rogers

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

LPA reference	16/04926/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr And Mrs Smith
Proposal	Erection of detached dwelling after demolition of existing detached garage/workshop
Location	Sunny Dale Wattlesborough Halfway House Shrewsbury
Date of application	27.10.2016
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	09.01.2017
Date of appeal	09.07.2017
Appeal method	Written Representations
Date site visit	06.12.2017
Date of appeal decision	17.01.2018
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	17/01232/OUT
Appeal against	Appeal Against Refusal
Appellant	Mrs Kelly Homden
Proposal	Outline application for the erection of a detached open market dwelling and garage
Location	Proposed Residential Development Land Off Limes Paddock Dorrington Shrewsbury
Date of application	15.03.2017
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	08.05.2017
Date of appeal	14.07.2017
Appeal method	Written Representations
Date site visit	06.12.2017
Date of appeal decision	17.01.2018
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	17/02589/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr And Mrs Carron
Proposal	Outline application (all matters reserved) for the erection of a detached dwelling with domestic garage
Location	The Chestnuts Cruckton Shrewsbury
Date of application	30.05.2017
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	09.08.2017
Date of appeal	25.09.2017
Appeal method	Written Representations
Date site visit	03.01.2018
Date of appeal decision	11.01.2018
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	17/01920/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr David Gill
Proposal	Erection of a three bedroom bungalow
Location	Proposed Dwelling To The South Of Stapleton Shrewsbury
Date of application	03.05.2017
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	28.09.2017
Date of appeal	07.10.2017
Appeal method	Written Representations
Date site visit	22.01.2018
Date of appeal decision	01.02.2018
Determination time (weeks)	
Appeal decision	ALLOWED
Details	



Appeal Decision

Site visit made on 6 December 2017

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 17th January 2018

Appeal Ref: APP/L3245/W/17/3179694

Sunny Dale, Wattlesborough, Halfway House, Shrewsbury SY5 9EA

- 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 & Mrs Martyn and Deborah Smith against the decision of Shropshire Council.
 - The application Ref 16/04926/OUT, dated 26 October 2016, was refused by notice dated 9 January 2017.
 - The development proposed was originally described as subdivision of plot to Sunny Dale to form a single building plot for a detached dwelling after demolition of existing detached garage/workshop.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the avoidance of doubt, the address of the site and description of development have been taken from the planning application form. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on this basis.
3. The Council has confirmed that reference to Policy MD13 of the Shropshire Local Development Framework: Adopted Core Strategy (CS)(2011) on the decision notice was made in error. I have had regard to this in my decision.
4. The Council has indicated that they can demonstrate a five year supply of deliverable housing land as required by paragraph 47 of the National Planning Policy Framework (the Framework). This has not been disputed by the appellants. The Shropshire Council Site Allocations and Management of Development plan (SAMDev)(2015) was adopted relatively recently, and I have seen nothing to suggest that either its policies, or those in the CS, are not in accordance with the Framework. The Development Plan is not therefore absent, silent or out-of-date. Accordingly, the tilted balance set out in the fourth bullet point of paragraph 14 of the Framework is not engaged. I have considered the appeal on this basis.

Main Issue

5. The main issue is whether the appeal site is an appropriate location in principle for the development, in the light of local and national planning policy.

Reasons

6. CS Policy CS1 states that 35% of the district's housing requirement will be met in rural areas through what is termed a 'rural rebalance' approach. The policy states that development in rural areas will be located predominantly in Community Hubs and Community Clusters and that development outside such settlements will be for economic diversification and meeting the needs of local communities for affordable housing only. This strategy is reiterated in CS Policy CS4.
7. Policy MD1 of the SAMDev identifies the locations of the Community Hubs and Community Centres. The appeal site is not located within any of those locations identified and thus for the purposes of the development plan it is within the countryside. CS Policy CS5 sets out the types of development that are permitted outside defined settlements. In terms of housing, the policy restricts development to that associated with agriculture, forestry or other essential countryside workers or affordable housing to meet a local need in accordance with other CS policies. There is nothing before me to suggest that the development would meet the requirements of this policy.
8. SAMDev Policy MD7a provides further policy on housing in the countryside, reiterating the focus of the strategy on Shrewsbury, Market Towns, Key Centres, Community Hubs and Community Clusters. This states that suitably located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs. As open market housing, the development would not meet the requirements of CS Policy CS11 which deals with rural exception sites. No other evidence of a specific local need has been provided.
9. I find therefore that the siting of market housing in this location would conflict with the Council's housing strategy, as set out in CS Policies CS1, CS3, CS4 and CS5 and SAMDev Policies MD1 and MD7a, the requirements of which are set out above. These policies seek, amongst other things, to ensure that new residential development in rural areas is directed to locations within Community Hubs and Community Clusters.
10. The Council's decision notice also refers to CS policies CS6 and CS17. Policy CS6 refers to sustainable design principles and while there is reference to the location of development, this refers only to proposals likely to generate significant levels of traffic. A single house, albeit in a location with limited access to nearby facilities, is unlikely to generate 'significant' levels of traffic. This element of the policy is not relevant to this development. Moreover, in the event that the appeal were allowed, I am satisfied that matters of design and living conditions could be addressed adequately at the reserved matters stage. Therefore, there would be no inherent conflict with this policy.
11. Policy CS17 deals with the protection of Shropshire's environmental assets. I have seen nothing in the Council's evidence that would lead me to conclude there would be any specific conflict with this policy. Nonetheless, this does not alter the conflict with the housing strategy outlined above.

Other Matters & Planning Balance

12. 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. Paragraph 12 of the Framework clearly states that it does not change the statutory status of the development plan as the starting point for decision making. One of the core planning principles set out in paragraph 17 of the Framework is that planning should be genuinely plan-led. The conflict I have found with the development plan therefore carries very significant weight.

13. The development would add to the housing land supply, which is a benefit irrespective of the five year housing land position. The Council's also acknowledge that the development would have access to a small number of local facilities in Wattlesborough and Halfway House and has good access to public transport. The development would therefore provide some social and economic benefits through the support of existing facilities in the area. There would also be short term economic benefits in relation to construction. I also recognise that there would be no encroachment into the countryside and that the dwelling would replace an existing building. Nonetheless, any benefits associated with a single dwelling would be limited in scale and, in the context of the housing land supply, do not add significant weight in favour of the development.
14. The appellant has drawn my attention to other nearby developments which have been granted planning permission. I am satisfied by the Council's evidence that the circumstances under which those applications were considered is different to that before me. In one instance, the Council did not have a five year supply of deliverable housing sites and thus the tilted balance in favour of the development would have applied. Those circumstances do not apply here and thus the planning balance is different. The second proposal referred to included provision for affordable housing meeting a local need. Such development is consistent with the requirements of the SAMDev. The proposal before me relates to open market housing and thus the circumstances are again different.
15. While I understand the appellant's frustration that housing development has been permitted in close proximity to their own site, I am satisfied that the individual circumstances of those permissions are materially different to that before me. These permissions do not therefore outweigh the conflict with the development plan outlined above.
16. The appellant has queried why the option to consider affordable housing was not open to them. There is nothing before me to suggest that the Council would not have considered an affordable housing proposal if that had been submitted. There is no indication that the proposal is for affordable housing and there is no mechanism before me for securing it as such. I have therefore considered the development as market housing which would conflict with the policies referred to above.
17. I have noted the letter of support and that no harm has been identified in terms of the character and appearance of the area, highways or other factors. However, a lack of harm is a neutral factor that weighs neither for nor against the development. The appellants have also raised concerns over the way in which the application was handled by the Council. This is not a matter before me. I have considered the appeal on its own merits based on the evidence before me.

Conclusion

18. Overall, I find that the limited benefits and other material considerations considered above do not outweigh the conflict with the development plan. Consequently, I do not consider that a decision other than in accordance with the development plan is justified in this case. For this reason, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

S J Lee

INSPECTOR



Appeal Decision

Site visit made on 6 December 2017

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 17th January 2018

Appeal Ref: APP/L3245/W/17/3180093

The Limes Paddock, The Limes, Dorrington, Nr Shrewsbury SY5 7LF

- 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 Mrs Kelly Homden against the decision of Shropshire Council.
 - The application Ref 17/01232/OUT, dated 8 March 2017, was refused by notice dated 8 May 2017.
 - The development proposed is erection of a detached open market dwelling and garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline, with all matters reserved. I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the appeal site is in an appropriate location in principle for the development, in the light of local and national planning policy.

Reasons

4. The appeal site forms an open and undeveloped plot of land accessed by a long private drive which serves a number of recently completed and under construction dwellings. There are open fields to the north and west of the site and an open paddock opposite the access drive. The site has been cleared of any grass and is fenced off from fields. However, although there is development to one side, I would not characterise the site as being surrounded by development. I understand the site does not form part of any previous permission.
5. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (CS)(2011) states that 35% of the district's housing requirement will be met in rural areas in what is described as a 'rural rebalance' approach. The policy states that development in rural areas will be located primarily in Community Hubs and Community Clusters and that development outside such settlements will be for economic diversification and meeting the needs of local communities for affordable housing only. This strategy is reiterated in CS Policy CS4.
6. Policy MD1 of the Shropshire Site Allocations and Management of development plan (SAMDev)(2015) identifies Dorrington as being part of a Community

Cluster with Stapleton and Condover. However, the appeal site sits outside the defined settlement boundary and thus for the purposes of the development plan it is within the countryside. The permissions granted on adjacent land does not alter this. CS Policy CS5 sets out the types of development that are permitted outside defined settlements. In terms of housing, the policy restricts development to that associated with agriculture, forestry or other essential countryside workers, or affordable housing to meet local needs in accordance with other CS policies. There is nothing to suggest that the development meets these criteria.

7. SAMDev Policy MD7a provides further policy on housing in the countryside, reiterating the focus of the strategy on Shrewsbury, Market Towns, Key Centres, Community Hubs and Community Clusters. This states that suitably located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. As open market housing, the development would not meet the requirements of CS Policy CS11 which deals with rural exception sites. No other evidence of a specific local need has been provided.
8. SAMDev Policy MD3 allows for development outside settlement boundaries in some circumstances. However, the Council has drawn my attention to a number of appeal decisions¹ where Inspectors have concluded that this only relates to situations where a settlement housing guideline appears unlikely to be met. I have no reason to consider a different approach. The Council's evidence indicates that Dorrington has a housing guideline of 30-35 dwellings in the plan period, with 55-65 dwellings in the cluster. The most recent data indicates 70 dwellings have been provided in the Cluster up to the end of March 2016. The officer report also refers to allocations of between 15 and 30 dwellings within the village that are still to come forward. The SAMDev has only recently been adopted and there is still a significant period within which the development guideline can be met within the settlement.
9. The Council has also confirmed that they can demonstrate a five year housing land supply as required by paragraph 47 of the National Planning Policy Framework (the Framework). There is no substantive evidence to suggest I should not accept this position. As such, there is nothing before me which indicates either a local or district-wide need for housing outside the defined boundary of the village or that the housing guideline will not be met within it. Accordingly, there is no support for the proposal under Policy MD3.
10. The appellant has questioned the reference to sporadic development set out in the Council's reason for refusal. While there is development adjacent to the site, the dwelling would still be located in the countryside outside a defined settlement. While the dwelling would not be isolated, neither would it conform to the planned approach to meeting the area's housing requirement set out in the development plan. In this regard, the dwelling would not be part of a coordinated approach to housing growth and thus I consider the Council's concerns to be valid. In any event, the siting of market housing in this location would conflict with the Council's housing strategy as set out in CS policies CS1, CS3, CS4 and CS5 and SAMDev policies MD1, MD3 and MD7a, the requirements of which are set out above. These policies seek, amongst other

¹ APP/L3245/W/17/3166957, APP/L3245/W/16/3157265, APP/L3245/W/15/3134229

things, to ensure that new residential development in rural areas is directed to locations within Community Hubs and Community Clusters.

Other Matters & Planning Balance

11. 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. Paragraph 12 of the Framework clearly states that it does not change the statutory status of the development plan as the starting point for decision making. One of the core planning principles set out in paragraph 17 of the Framework is that planning should be genuinely plan-led. The conflict I have found with the development plan therefore carries very significant weight.
12. The appellant suggests that as the previous applications were considered to be sustainable against the provisions of the Framework then it follows that this development must also be sustainable. However, the Council can now demonstrate a five year supply of deliverable housing land and there is nothing to suggest the policies of the CS or SAMDev are not consistent with the Framework. As such, the tilted balance set out in the fourth bullet point of paragraph 14 of the Framework is not engaged. The context within which earlier outline permissions were granted therefore differs considerably to that being considered here and the resulting planning balance is different. To this end, I am satisfied that the application referred to by the appellant² also differs to this scheme insofar as the plot was subject to an extant outline permission. This is not the case here.
13. The site is clearly well related to the development currently under construction and would not be considered isolated in the context of paragraph 55 of the Framework. The Council has also previously considered this to be a sustainable location. Nonetheless, in the context of the housing supply situation and development plan status, it does not automatically follow that the continued incremental expansion of development outside the settlement boundary should be considered acceptable. The proximity of other development, the physical appearance of the site and the planning history of those dwellings does not therefore outweigh the conflict with the development plan.
14. The appellant has suggested that the settlement boundary for Dorrington no longer reflects what is on the ground and is likely to be changed when the plan is next reviewed. However, the SAMDev was adopted relatively recently and there is nothing before me which suggests any such review is imminent or necessary. Moreover, while I recognise that development has taken place outside the current defined settlement boundary, it does not necessarily follow that any future review would include the development site. In any event, this is a matter that is more appropriately addressed through the development plan process. The conflict with the development plan remains.
15. The development would add to the housing land supply, which is a benefit irrespective of the five year housing land position. There is no dispute between the parties that the site has reasonable access to facilities and that the village is serviced by a regular bus route. This would reduce the need to travel by private car and thus have both social and environmental benefits. These facilities would also benefit from the increase in population and expenditure

² Application reference: 16/03657/FUL

potential in the area. There would also be short term economic benefits in relation to construction. Nonetheless, any benefits associated with a single dwelling would be limited in scale and, in the context of the housing land supply, do not add significant weight in favour of the development.

16. The Council raises no concerns in relation to the character and appearance of the area or impacts on biodiversity, highways or the living conditions of nearby residents. While I saw nothing that would lead me to a different conclusion, a lack of harm with regard to these factors is neutral and weighs neither for nor against the development.

Conclusion

17. Overall, I find that the limited benefits and other material considerations considered above do not outweigh the conflict with the development plan. Consequently, I do not consider that a decision other than in accordance with the development plan is justified in this case. For this reason, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

S J Lee

INSPECTOR



Appeal Decision

Site visit made on 3 January 2018

by **Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

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

Decision date: 11th January 2018

Appeal Ref: APP/L3245/W/17/3185134

The Chestnuts, Cruckton, Shrewsbury, Shropshire SY5 8PW

- 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 & Mrs Carron against the decision of Shropshire Council.
 - The application Ref 17/02589/OUT, dated 9 May 2017, was refused by notice dated 9 August 2017.
 - The development proposed is for the erection of a detached dwelling and private domestic garage.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on this basis.
3. The appellants have drawn my attention to 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)*. The Council has been given an opportunity to comment on the implications of this decision. I will address this letter in this decision.

Main Issue

4. The main issue in this appeal is whether the development would be suitably located having regard to the Council's housing strategy.

Reasons

5. Policy CS1 of the Shropshire Council Core Strategy (CS) adopted in March 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 located within the identified Community Hubs and Community Clusters.
6. Policy CS3 states that balanced housing and employment development, of appropriate scale and character, will take place within the development boundaries of the market towns and other key centres and on sites allocated for development. The appeal site lies within the garden area of the host property, which fronts the B4386 Montgomery Road along with a ribbon of

- dwellings that fall outside the reasonable limits of Cruckton. Cruckton is not designated as a Community Hub or Cluster in Policy MD1 of the Council's Site Allocations and Management of Development Plan (SAMDev) and therefore in open countryside for planning purposes. Policy CS4 states that development outside of community hubs and clusters will not be allowed unless it meets policy CS5. Policies CS5 and MD7 of the SAMDev state that new market housing will be strictly controlled outside settlements areas other than suitably designed and located exception site dwellings and residential conversions where they meet local needs and other relevant policy requirements.
7. Policy CS5 moreover allows new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. This aligns with paragraph 55 of the National Planning Policy Framework (the Framework). Policy CS5 also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. Whilst the development does not fall into any of the identified examples, the list is not exhaustive.
 8. The appellants make the case that Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside and that development proposals on appropriate sites that maintain and enhance countryside vitality and character would help improve the sustainability of rural communities through the bringing of economic and community benefits. However, it seems to me that Policy MD7a of the SAMDev is explicit in this regard and as the proposal is for an open market dwelling, it would fail to accord with Policies CS5 and MD7a.
 9. The Examining Inspector for the SAMDev recognised that a large number of the dwellings required in the rural areas must be provided through windfall sites. The explanation for Policy MD3 of the SAMDev also reinforces the importance of windfall development, both within settlements and in the countryside, including, where sustainable, on greenfield sites. The supporting text to Policy MD3 clearly states that it is to be read in conjunction with the Local Plan taken as a whole, particularly Policies CS2, CS3, CS4, CS5, MD1 and MD7a. Therefore, whilst Policy MD3 allows sustainable development, it must accord with the other relevant policies of the development plan and should not be read in isolation. As the proposal would fail to accord with Policies CS3, CS4 and CS5 of the CS and Policies MD1 and MD7a of the SAMDev, it must also fail to comply with Policy MD3.
 10. The Council confirms that they have a five year supply of deliverable housing land. This is not disputed by the appellants. Paragraph 49 of the Framework is not therefore 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. I find therefore that the proposal would fail to accord with the Council's housing strategy as set out in Policies CS1, CS4 and CS5 of the CS and with Policies

MD1, MD3 and MD7a of the SAMDev Plan. Further, it would fail to accord with the housing supply policies of the Framework.

Other Matters

12. My attention has been drawn to appeal decisions¹ at Craven Arms and Knowbury and to a recent planning permission involving a site within the settlement of Cruckton itself (Council reference 14/04459/OUT). Whilst I acknowledge the similarities between the proposals and that there have been different interpretations of the same development plan policies, the full details of the cases are not before me. From my reading of the appeal decisions, I note in particular that one site formed part of a previously developed site that would visually benefit from development whilst the other had an element of personal need but importantly the site would form part of a distinct grouping of dwellings thereby reducing the harm to the openness of the countryside. The Cruckton permission appeared to me to be within the settlement itself with the planning officer clearly explaining that the proposal would not result in any encroachment into the countryside. Although I have had regard to those decisions, I am not bound by them and have determined this appeal on the evidence before me and the planning merits of the case presented.

Conclusion

13. 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.”
14. The proposal would provide some economic benefit, including during construction and thereafter through supporting local businesses through patronage. Whilst there is a bus route operating along the B4386, which can be hailed on demand, there does not appear to be bus service linking the site with the nearest rural settlement containing essential services and facilities at Hanwood. Given the distances involved and the lack of street lighting and footways leading to this village, it is likely that future occupants would be heavily reliant on the use of the private car to access services, facilities and employment opportunities. This would limit the appeal site’s accessibility. Further, the draw of Shrewsbury would mean that the benefits arising from development in supporting services in a village nearby as suggested in paragraph 55 of the Framework would be unlikely to materialise in this case.
15. In conclusion, I find that the limited benefits of the scheme do not outweigh the harm it would have in respect of undermining the Council’s housing strategy. The development plan is up-to-date and compliant with the Framework, including in respect of paragraph 14, which means that the presumption in favour of sustainable development does not apply.
16. Turning to the judgment of 15 November 2017², which concerned itself with the interpretation of isolated homes in the countryside within the meaning of paragraph 55 of the Framework, the case involved circumstances where the

¹ APP/L3245/W/16/3143403 and APP/L3245/W/16/3144703

² Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin)

local planning authority could not demonstrate a five year deliverable housing supply, which triggered the application of the fourth bullet point of paragraph 14 of the Framework. This is patently not the case in this appeal. Accordingly whether or not the proposal should be considered an isolated dwelling is irrelevant.

17. Therefore, for the above reasons and having regard to all other matters raised, the appeal is dismissed.

Gareth W Thomas

INSPECTOR



Appeal Decision

Site visit made on 22 January 2018

by **Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st February 2018

Appeal Ref: APP/L3245/W/17/3186272

Red House Farm, Junction with Chalford Lane to Stapleford Junction A49, Stapleton, Shrewsbury SY5 7EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Gill against the decision of Shropshire Council.
 - The application Ref 17/01920/FUL, dated 22 April 2017, was refused by notice dated 28 September 2017.
 - The development proposed is for the erection of three bedroom bungalow.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of three bedroom bungalow on land to the south of Red House Farm, Stapleton, Shrewsbury SY5 7EF in accordance with the terms of the application, Ref 17/01920/FUL, dated 22 April 2017, subject to the conditions attached to the Schedule to this decision.

Procedural matter

2. The site address in the decision section is partly taken from the Council's decision notice to avoid confusion that was created by the address in the application form. I consider that the following address accurately identifies the appeal site: land to the south of Red House Farm, Stapleton, Shrewsbury SY5 7EF

Main Issue

3. The main issue in this appeal is whether the appeal site represents a suitable location having regard to national and local planning policy.

Reasons

4. The appeal site lies immediately to the south of an existing bungalow, Edelweiss and the settlement limits of Stapleton, some 1km to the north of the village of Dorrington. The land fronts the village street but also wraps around an existing access drive that serves Middlecroft, a small housing scheme to the west. The proposal would see the erection of a single bungalow positioned centrally within the plot with access from the main village street. The dwelling would take on a simple 'L'-shaped design of brick under a tiled roof.
5. Policy CS1 of the Shropshire Council Core Strategy (CS) adopted in March 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. CS policies CS4 and CS5 establishes the framework for the identification of Community Hubs and Community Clusters as well as the approach to development in the countryside. The Shropshire Council Site Allocations and Management of Development Plan (SAMDev) adopted December 2015 seeks to deliver the strategic objectives, including providing guidelines for sustainable development within the Community Hubs and Community Clusters set out in the CS. SAMDev policy S16.2(vii) identifies Stapleton along with Dorrington and Condoover as a Community Cluster.

6. Policy CS4 of the CS seeks to enable rural communities to become more sustainable. This would be achieved in part by ensuring that market housing development contributes to improving sustainability through a suitable mix of housing that caters for local needs and by delivering community benefits in the form of identified contributions, as well as ensuring that the scale and design is sympathetic to the local character and environment. Development would only be permitted within Cluster settlements or on land identified for housing. Policy S16.2(vii) identifies housing allocations for Dorrington and Condoover; however, for Stapleton, it is anticipated that up to 5 dwellings would be supported during the plan period. The Council maintains that this site abuts but falls outside the settlement limits for Stapleton.
7. Accordingly, the Council considers the site as falling in a countryside location where CS Policy CS5. Policy CS5 seeks to strictly control development in the countryside in accordance with national planning policy, and includes a list of development proposals permitted on the basis of maintaining and improving the sustainability of rural communities. SAMDev Policy MD7a also seeks to strictly control new market housing outside settlements such as Community Clusters, but does include some exceptions to this principle. However, the proposal would not meet any exception listed in the policies.
8. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. Whilst it is not clear on what progress has been made towards the Community Cluster's housing guideline of 5 dwellings, it would seem unlikely that the Council would be unable to meet the housing guideline by the end of the plan period.
9. However, a potential material planning consideration arises in the case of this appeal in that outline planning permission¹ for an open market dwelling on the appeal site has only very recently lapsed. Indeed this permission was still extant when the appeal proposal was submitted to the Council. For some inexplicable reason, the appellant submitted the appeal proposal as an application for full permission rather than as an application for Approval of Reserved Matters. Whilst the Council acknowledges this in its appeal submissions, it believes that the weight to be attached to the recently lapsed outline permission should be reduced and has cited a recent appeal decision² that lent full support to the Community Clusters approach of the Council and where the Inspector considered that "settlements that had traditionally been

¹ Council reference No. 14/02963/OUT

² Appeal reference No. APP/L3245/W/17/3179269

considered as suitable for development are now, in some cases, to be regarded as countryside for policy purposes”.

10. Whilst in strict planning policy terms, the appeal development would appear to be contrary to the development plan, it is important to consider whether there has been a change in circumstances since the outline permission expired. Clearly, there has not been a material change in the development plan. In addition, the appeal proposal was submitted within the time period of the outline permission. It is also noted that the Council for reasons that have not been explained, have a shorter period for the submission of Reserved Matters. Accordingly, I consider that it is necessary to consider the basis on which the outline permission was granted in order to ascertain whether those circumstances have also changed. In this regard the Council has helpfully attached the officer report that considered the merits of the outline application granted in 2016.
11. The officer report explains that whilst a dwelling located on the southern tip of the settlement would constitute a technical breach of planning policy, it abuts the boundary and would not represent an encroachment into the open countryside as it is contained by existing properties and roads. An assessment was also undertaken by the officer in terms of whether the site itself was in a sustainable location relative to the nearest village, Dorrington which has basic services and amenities as well as located on a bus route between Church Stretton and Shrewsbury. I note that the officer undertook a balancing act to determine whether any adverse impacts arising from the development might significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Framework (the Framework) taken as a whole.
12. In conclusion whilst the site is technically outside the development boundary, the scheme would not harm the character of the landscape or the village and would represent a rounding off of development at the southern tip of the village. The development’s location in a settlement which has come forward as a Community Cluster where the principle of small scale residential development would be acceptable means that the proposal would not materially conflict with the objectives of Policy CS4.
13. On the matter of sustainability, the scheme would not run counter to the environmental aspect of sustainable development for the reasons given above. Regarding the economic role, the scheme would generate economic activity during construction and would support village facilities albeit to a limited degree given the single dwelling scheme proposed. As regards the social role, the scheme would assist towards the Government’s objective of boosting housing supply albeit again to a modest extent. However, these matters taken together carry significant weight in support of the development and this point was recognised by the Council when it granted planning permission.
14. Whilst recognising the breach of SAMDev policy S16.2(vii) in terms of its position relative to the development boundary, the development would accord with the remainder of the development plan and would not harm or obstruct its objectives and I consider that it would be in accordance with the plan as a whole. Moreover, I consider that the recently lapsed planning permission for a dwelling at this location and there being no material change in planning circumstances represent significant factors in favour of granting planning

permission. Accordingly, the benefits of the scheme would significantly and demonstrably outweigh the breach to Policy S16.2(vii), and the scheme amounts to sustainable development.

Other matters

15. It is noted that the Parish Council points to the site falling outside the settlement boundary identified in the Stapleton Village Design Statement. However, this statement does not form part of the development plan and accordingly carries with it limited weight. That said, I have already found in favour of the development for the reasons stated above.
16. Comments were received from the occupier of the adjoining property in relation to potential loss of privacy. However, from what I saw at my site visit, I consider that with appropriate landscaping and boundary treatment, a single storey bungalow as proposed is unlikely to give rise to unacceptable impacts of this nature.

Conditions

17. The Council has recommended a series of conditions that have been considered against the advice contained in the Planning Practice Guidance. In addition to the standard condition relating to the time period for commencement of development I have attached conditions specifying the approved drawings to provide certainty. In addition, three conditions as recommended by the Council concerning ecology have been included to protect local biodiversity. Conditions are also included concerning means of access and parking in the interests of highway safety. A condition requiring approval of drainage details and subsequent implementation is necessary in the interests of protecting living conditions. The Council's final condition relating to the prior approval and subsequent implementation of landscaping works is necessary with the additional requirement to agree effective boundary treatment in the interests of protecting the character and appearance of the area and the living conditions of the neighbouring property. I have rectified an omission in the Council's suggested conditions by adding an additional condition requiring prior approval and implementation of appropriate external materials.

Conclusion

18. I have considered all the other matters raised but none is of such weight as to alter the balance of my conclusions. For all the above reasons, the appeal is allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:LS 001; E001; BP 001 Rev B, and; Location Plan.
- 3) Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of great crested newts Reasonable Avoidance Measures.
- 4) Prior to first occupation / use of the building, details for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design) shall be erected on the site. The box shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter retained for the lifetime of the development.
- 5) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).
- 6) No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.
- 7) Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a visibility splay measuring 2.4 x 43 metres to the nearside carriageway edge shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 8) No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development hereby approved is occupied into use.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

- 10) No development shall take place until a scheme for the provision of surface water and foul drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details and completed before the development is occupied.
- 11) Prior to occupation of the development, a scheme of landscaping shall be submitted and approved by the Local Planning Authority. The scheme shall be implemented as approved during the first available planting season after occupation. The submitted scheme shall include: a) Planting plans, including wildlife habitat and features; b) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate; c) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works; and, d) Details of boundary treatment with the property Edelweiss located to the north.
- 12) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- END OF SCHEDULE -