



Committee and date

South Planning Committee

1 March 2016

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> 14/04740/FUL	<u>Parish:</u>	Broseley
<u>Proposal:</u> Demolition of existing dormer bungalow, garage and remaining outbuildings/greenhouse; erection of 10 dwellings; removal of trees and hedge (revised layout and description)		
<u>Site Address:</u> Development Land Off Calcutts Road Jackfield Shropshire		
<u>Applicant:</u> Mr A Rickards		
<u>Case Officer:</u> Kelvin Hall		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 368204 - 302785



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REPORT

Recommendation: Subject to the satisfactory resolution of outstanding issues relating to the design of the visibility splay, grant permission subject to the conditions set out in Appendix 1, and to the prior completion of a legal agreement to secure the requisite affordable housing provision and for the management of open space.

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of ten dwellings on land off Calcutts Road, Jackfield following the demolition of an existing bungalow and outbuildings. The dwellings would be arranged either side of the existing access road through the centre of the site. This access road would be extended and improved.
- 1.2 The proposed development would include a mix of dwelling sizes, comprising: three detached 4 bedroomed dwellings, each with detached double garage; a pair of semi-detached 3 bedroomed dwellings; a row of three 2 bedroomed dwellings; and a pair of semi-detached 2 bedroomed dwellings. The principal elevations of the two proposed dwellings adjacent to Calcutts Road would face out on the public highway. One of these would be an L-shaped property with detached double garage. It would have an open porch provided by a mono-pitched canopy in exposed painted timber and plain clay tiles for the porch roof. The 3 bedroomed semi-detached dwellings would be 3 storey properties with parking provided to the rear. The 2 bedroomed semi-detached/terrace dwellings would be two storey, with parking provided via communal car parking spaces to the front of the dwellings.
- 1.3 The site layout would incorporate a turning area at the back of the site to ensure that vehicles can turn within the site and exit onto the public highway in forward gear. Landscaping would be undertaken within the site, and an area of communal open space would be provided at the back of the site.
- 1.4 The application as originally submitted proposed the construction of 12 dwellings, and an additional access onto Calcutts Road. A series of modifications have since been made to the design and layout of the proposal, to seek to address concerns raised by consultees and local resident. This has resulted in a number of improvements to the proposed development, including:
- A reduction in the number of dwellings proposed from 12 to 10 resulting in a reduced density of development;
 - Re-positioning of dwellings to provide improved separation distance to adjacent properties;
 - A reduction in the number of vehicle accesses onto Calcutts Road from two to one;
 - An increased amount of parking space per unit;
 - An improved circulation space for delivery and other vehicles;
 - An increased area of communal open space;
 - Improved layout in relation to protected trees;
 - Repositioning of dwellings to provide additional rear garden.

- 1.5 The application is accompanied by a design and access statement, a heritage assessment, an arboricultural impact assessment, an ecology report, and an environmental report encompassing a stability assessment and mining risk assessment.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises an existing residential property within a relatively large plot located on the eastern side of Calcutts Road in Jackfield. The site covers an area of approximately 0.46 hectares, with an elongated shape approximately 110 metres deep and 45 metres wide. Top Bungalow is set back approximately 65 metres into the site. The central part of the site, which includes Top Bungalow and a long domestic front garden, is generally flat. The south-western and north-eastern flanks of the site are wooded, with the former trees being subject to a Tree Protection Order. The south-western site edge rises up to the site boundary; the north-eastern flanks fall to the site boundary. The site lies within an area of former mine working and there are a number of treated mine shafts on the south-western side of the site.

- 2.2 Surrounding land is primarily in residential use, with an industrial unit situated adjacent to the eastern boundary. Access to the site would be gained via the existing access.

- 2.3 The site lies within the boundary of the Ironbridge Gorge World Heritage Site and the Severn Gorge Conservation Area. The site is located adjacent to the Shropshire/Telford & Wrekin boundary, which runs along the north-western side of Calcutts Road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This Town Council has submitted a view contrary to the Officer recommendation, and the Local Member has requested that the application is determined by Planning Committee. The Principal Planning Officer, in consultation with the Committee Chairman, consider that the application raises planning issues that would warrant determination by the Planning Committee.

4.0 Community Representations

-Consultee Comments

- 4.1.1 **Broseley Town Council** Objects. Councillors were pleased that the density of housing had been reduced but remained concerned about the location of the public open space.

Previous comments 3/11/2015 - Object. The revised plan is still too high density for the site and potential car parking problems are envisaged. The provision and location of the open space is inadequate. The design and layout fail to do justice to the World Heritage Site location. Councillors noted the points raised by a local resident who makes a series of valid comments, particularly in relation to difficulties with levels on the site and the effect on the privacy of neighbouring properties.

Original comments 22/12/2014 – The Town Council welcomes limited redevelopment of this site, as in recent years it has been neglected and become somewhat unsightly. However BTC makes the following objections to this

particular development proposal:

1. The provision of the new access 16m to the right of the existing access, and therefore closer to the traffic light controlled junction with Ironbridge Road, creates an unnecessary hazard.
2. The proposed development is too high density resulting in inadequate open space, as noted by SC Parks and Recreation, and inadequate recognition being given to the issues set out in the County Arboriculturalist's comment.
3. The Design and Access Statement acknowledges that the site is within the Ironbridge Gorge World Heritage Site but the application has failed to provide the Heritage Assessment requested by SC Archaeology.

- 4.1.2 **Historic England** [Comments made in relation to application as originally submitted] The application site is located within the Ironbridge Gorge world Heritage Site and the Severn Gorge Conservation Area. . Development on this site could have an impact upon the setting and significance of these designated heritage assets.

The application does not contain sufficient information to understand the potential impact of the proposals on the significance of the designated heritage assets and further information is required regarding the impact of the proposed development upon their setting. For further guidance on this matter please see our guidance document, *The Setting of Heritage Assets*. One of the key principles for assessing the implications of change affecting the setting of Heritage Assets reads:

“A proper assessment of the impact on setting will take into account, and be proportionate to, the significance of the assets and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.”

Para 128 of the NPPF states “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposals on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”.

It is recommended that the above issues are addressed. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 4.1.3 **SC Conservation Officer** Recommends conditions. In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The amended designs and additional street scenes provided have alleviated some of the concerns raised previously. It is considered that provided appropriate materials and finishes are used overall the development will preserve the character of the conservation area in line with policies, guidance and legislation as outlined

above.

Suggested conditions: External materials - Samples, Roof details and materials, Joinery details, Landscaping.

Previous comments: The application site lies within the Severn Gorge Conservation Area and the World Heritage Site. The existing bungalow is of approximately 1960s construction and is of no particular architectural or historic merit to warrant retention, therefore there are no conservation objections to the demolition. Overall there are no objections raised to the principle of residential development on the site. The site lies within a mixed area in terms of property style, however there are traditional properties in the wider area of Jackfield that can influence design themes.

4.1.4 **SC Archaeology** Recommends a condition.

Background to Recommendation: The development proposal involves a parcel of land located within the designated World Heritage Site of Ironbridge Gorge and within the former extent of Rock Tile Works (HER PRN 07242) that included a number of mining shafts, clay extraction pits and tramways serving the main factory complex located just outside of the proposed development boundary. A number of additional non-designated heritage assets relating to former industrial activity are located close to the development area. In view of the above and in accordance with NPPF Section 128 it was recommended at a Heritage Assessment of the application site should be provided as part of the planning application. A heritage assessment comprising an archaeological Desk Based Assessment and walkover survey has now been submitted. This identifies the main archaeological interest of the development site to be the remains of early coal mining industries and brick and tile industries. Cartographic evidence for the proposed development site depicts mining and tramways associated with Rock Tile Works, with earlier mining located on or near the boundary of the site. Old shafts and associated tips are recorded within the south east corner of the development site and near the south-western boundary, with the wooded bank along the south west boundary likely to be the result of early coal mining activity as recorded by 19th / early 20th century OS maps, and may mask the site of a former shaft or shafts. In this area, the potential for unrecorded shafts and associated workings is considered high. The heritage assessment concludes that much of the development site has been levelled and improved to create the existing access and former garden, and the former railway / tramway is likely to have been destroyed during the construction of the bungalow in the 1960s. As a result this part of the site is considered to be of low archaeological potential. However, the areas of overgrown scrub and the southern parts of the proposed development site are potentially of high archaeological interest. We concur with these findings. Please note, the Conservation Officer for the Bridgnorth Area will comment on the impact of the proposed development on the World Heritage Site and Conservation Area. The recommendations made below therefore only relate to the archaeological interest of the proposed development site.

In view of the above, and in relation to Paragraph 141 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This is to comprise an archaeological evaluation in association with any investigations into the potential mining remains

prior to the development of the site, and a watching brief during ground works associated with proposed development (see Appendix 1).

- 4.1.5 **SC Highways Development Control** No objections subject to conditions. The application form submitted indicates that the proposed estate road is to remain private therefore as Highway Authority we would raise no objection to the proposed development and the proposed layout. It is noted that details of visibility splay (drawing no. 1270/14-15) have been submitted that indicate that a visibility splay of 1.984 metres by 40 metres. It should be noted that this does not meet minimum visibility requirements and we would seek further improvement to the proposed access arrangements to provide a minimum of 2.4 metres by 43 metres.

It is recommended that a condition requiring the prior approval of details of the means of access, including the layout, construction and sightlines, is added to any permission granted.

- 4.1.6 **SC Drainage** Drainage details are required, including calculations and details of the sizing of the proposed soakaways, surface water management details, and the interception system to prevent water flowing onto the highway. These can be dealt with by planning condition.
- 4.1.7 **SC Public Protection** Having reviewed the location and historic maps of the site and reviewed the environmental assessment submitted with this application it is considered that further works are required in relation to contaminated land, as recommended in the Environmental report. A condition is recommended (see Appendix 1).
- 4.1.8 **SC Ecology** Recommends conditions.

Bats: Shropshire Wildlife Surveys inspected the bungalow and associated buildings in July but no evidence of bats was found. As the bungalow had medium potential for bats, four emergence/re-entry surveys were undertaken in August and September 2014. Low numbers of four bat species were recorded during the survey but none were found to emerge from the bungalow. It is recommended that care is taken during the roof removal as there is still some potential for bats.

Eight trees and a blackthorn hedgerow are proposed for removal. None of these are considered to have potential to contain bat roosts. The majority of the existing trees are indicated for retention but there will be a loss of some bat foraging and commuting areas. The proposal for amenity planting at the southern end of the site and management of the existing woodland is welcomed.

It will be necessary to restrict lighting to avoid affecting bat use of the site, with it being particularly important not to illuminate the woodland strip on the southern boundary. A condition also requires provision of bat boxes (see Appendix 1).

Great crested newts: There is a pond within 230m of the application site. Having regards to the roads and development between the pond and the site the risk of any great crested newts using the application site is low. An informative is recommended.

Nesting birds: The vegetation to be removed is good bird nesting habitat therefore a condition and informative should be attached to any consent.

Under Regulation 61 of the Conservation of Habitats and Species Regulations (2010), the proposed works will not have a likely significant effect on any internationally designated site. An Appropriate Assessment is not required.

- 4.1.9 **SC Trees** No objections subject to conditions. The revised layout (rev G) satisfactorily addresses previous concerns.

It is not considered that the arboricultural impact of the proposed removal of a section of native hedgerow and young trees to the north-eastern site boundary would be sufficient to warrant objection to the proposed development. The impact could be mitigated through a high quality tree planting scheme, which should form part of any approved development. In addition, suitable precautions should be taken to protect retained trees on site during any approved development.

It is noted that the submitted tree survey and tree protection plan are based upon a now superseded site layout. These will need to be updated to reflect the new layout. Conditions are recommended to address this, and to require the submission and implementation of a landscaping scheme (see Appendix 1).

- 4.1.10 **SC Affordable Housing** If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application.

The current prevailing target rate for affordable housing came into force on the 1st September 2013 and in this area is 20%. A development of 11 homes would need to provide 2 affordable homes on site and a financial contribution. The assumed tenure would be for affordable rented accommodation and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable homes will need to be agreed with the Housing Enabling Team.

- 4.1.11 **SC Parks and Recreation** [comments based upon the application for 12 dwellings as originally submitted] Under Shropshire Council's current planning policy regulations, the Open Space Interim Planning Guidance adopted 11th January 2012, all development should provide 30m² of public open space per bed space. The proposed development should therefore provide a minimum 1020m² of useable amenity public open space as part of the site design. 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.

4.1.12 **Coal Authority** No objections subject to imposition of conditions.

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Phase 1 Geo-Environmental Report, Stability Assessment and Mining Risk Assessment Report (dated August 2014, produced by Sladen Associates), which accompanies this planning application.

The Mining Risk Assessment Report correctly identifies that the application site has been subject to past coal mining activity. The site contains a recorded mine entry for which no treatment details are recorded together with unrecorded probable historic underground coal workings at shallow depth and a thick coal outcrop. This mine entry has a potential departure distance of 5m which means that it could be up to 5m in any direction from its best plot position. A further mine entry to the north-west potentially has a zone of influence that may go into the site. This mine entry was capped by the former NCB in 1977. It is noted that the Mining Risk Assessment Report was produced based on the premise that the site would accommodate 11 dwellings; the current proposal is for 12 dwellings.

The Mining Risk Assessment Report highlights the potential for a possible unrecorded shaft at the southern end of the site. The Report recommends that intrusive site investigations are undertaken to investigate the unrecorded probable historic underground coal workings at shallow depth. This would then identify if remedial measures are required to facilitate development. The Report also recommends that intrusive site investigations are undertaken to investigate the location of the mine entries, it will then be necessary to determine the actual zone of influence and the necessary 'no-build' areas above them.

The Coal Authority would often want to see the mine entries located definitively in order to be taken into account in the layout. However in this case the layout has been planned taking account of sufficient stand-off distance to allow for the departure distance and any likely zone of influence for the mine entry. Therefore The Coal Authority considers in this case planning permission subject to the imposition of conditions would be appropriate.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entries or areas of shallow mine workings etc. to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

In this case given the ongoing public safety risks to further built development from the mine entries The Coal Authority would recommend the need to withdraw Permitted Development Rights to ensure that no built development is erected over the mine entries.

4.1.13 **Telford and Wrekin Council (adjacent authority)** No comments received.

4.1.14 **West Mercia Constabulary – Crime Prevention** There are opportunities to design out crime and /or the fear of crime and to promote community safety. Should permission be granted it is recommended that a condition is add to advise that the application aims to achieve the Secured by Design (SBD) award (seen informatives).

4.2. -Public Comments

4.2.1 The application has been advertised on site and in the local press. In addition 11 residential properties and businesses in the local area have been directly notified.

4.2.2 One objection has been raised, on the grounds as summarised as follows:

- Revised scheme has had some improvements made but most of the major issues still remain which are fundamentally created by trying to cram too many units onto this small site
- properties immediately opposite the development on the other side of Calcutts Rd should be added to the 1:500 proposed plan so that separating distances can be accurately measured
- the proposed 4 bed property is only 19m away from habitable windows of the existing house on the other side of Calcutts Rd. This should be increased to an absolute minimum of 21m in line with nationally used guidance
- no visitors parking provided within the development meaning that visitors will park along Calcutts Rd, creating safety issues along the road and impeding drivers coming up Calcutts Rd when trying to turn into the existing driveways on the opposite side of Calcutts Rd. It will also mean that vehicles will park within the visibility splay for the new access road creating further safety issues
- garage and driveway at the front of the site on the main street elevation is poor design and not in keeping with the conservation area; garages should sit behind the build line;
- driveway joins the new access road at the same point where the access road joins Calcutts Rd creating safety issues for people entering the site/reversing off the drive;
- visibility splay goes through 3rd party walls and thus the visibility as indicated is not actually provided. Telegraph pole within the splay is not shown;
- The visibility splay of 40000x1984mm seems a very random figure;
- design guidance on areas of open space states that it should be centrally located, convenient and well surveillanced by surrounding properties; the 'community amenity area' is tucked away at the back of the site, is not on any desire line, is accessed through a narrow passage way and has zero natural

- surveillance; of no benefit to the community; has the potential to become a site for anti-social behaviour and rubbish dumping; query the actual area proposed;
- pair of 3 bed semi's that front onto Calcutts Rd should site behind the established build line of the existing properties they adjoin; proposed position will create an awkward relationship, especially given that the new buildings are so much smaller in scale;
 - The layout is very rigid, linear and dense, not in keeping with the conservation area. The view into the scheme from Calcutts Rd terminates with a garden wall. There should be a building or other feature to terminate this long view into the site
 - Query which trees are to be removed/retained; the change in levels that are proposed on the street sections would mean that these trees would be damaged and killed;
 - The middle house of the terrace of 2 bed houses has an access path to its rear garden than runs across the middle of the neighbouring properties rear garden. This creates a piece of land on the other side of the access path that is owned/maintained by no one
 - The pair of 3 bed semi's that site within the site have gardens that are very steeply sloping meaning they will have very little useable private amenity space. One has a garden that is on average only 7m long (running down to 4.5m); cross sections should be provided where there are levels issues to properly demonstrate what is proposed
 - due to the site levels there is no pedestrian route to the front doors of the 3 bed semi's that front onto Calcutts Rd; the garden level of these properties is 2.5m below the immediately adjacent access road. If a fence is put along the access road/garden boundary to afford the occupants privacy then the garden will be bounded by a 3.5-4m vertical face. The level/layout should be reviewed;
 - The parking to the new pair of 3 bed semi's onto Calcutts Rd is remote from the dwellings being over 35 and 40m from the front door of the houses. There is no access to the rear door of the properties due to level issues/retaining walls
 - Road safety issued due to residents and their visitors parking on Calcutts Rd next to the junction with the access Road, preventing large vehicles from turning into the existing driveways on the opposite side of Calcutts Rd
 - scheme does not properly respect the constraints of the site and its conservation area setting

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design
- Landscaping and ecology
- Residential Amenity
- Highways and access
- Drainage
- Land Stability and contamination
- Archaeology
- Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application needs to be determined in accordance with the Development Plan for the area, unless material considerations indicate otherwise. The application site

is located within the development boundary of Broseley (which incorporates Jackfield) as defined in the SAMDev Plan. Core Strategy policy CS3 supports residential development of an appropriate scale and design that is located within a development boundary. The Broseley Town Plan 2013-2026, although not part of the Development Plan, is a material consideration which needs to be taken into account in the determination of planning applications. The relevant SAMDev settlement policy for Broseley states that housing developments should be small scale to reflect the local character and meet the design principles of the Town Plan. The proposal would involve the redevelopment of an existing site within residential use, and para. 17 of the NPPF states that such development is encouraged. As such it is considered that there is no in principle planning policy objection to the proposed residential re-development of the site.

6.2 **Siting, scale and design**

6.2.1 The NPPF advises that good design is a key aspect of sustainable development, and that planning should aim to ensure that developments are visually attractive, that they optimise the potential of the site to accommodate development, that they respond to local character and history, and that they create safe and accessible environments. Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policies MD2 (Sustainable Design), MD12 (The Natural Environment) and MD13 (The Historic Environment) support those of the Core Strategy.

6.2.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.2.3 Layout and density: The layout of the development reflects the particular site constraints that apply to the site, including its elongated shape, the presence of protected trees and former mineshafts, and the sloping topography along the south-western and north-eastern flanks. The positioning of the pair of semi-detached dwellings at the front of the development would mimic the build line and construction level of the existing adjacent terrace. The proposed 4 bedroomed dwelling adjacent to Calcutts Road has now been set back further into the site to provide a more acceptable separation distance to the side elevation of the existing property on the opposite side of road.

6.2.4 The proposed development incorporates a satisfactory level of landscaping within the layout. The layout incorporates a communal amenity area at the south-eastern side of the site, amounting to 481m². Passive surveillance of this area would be provided by the adjacent semi-detached dwellings proposed. It is acknowledged that this does not meet the standard for open space provision, as identified within the Council's adopted guidance, of 840m² which would be the target for a development of this size. Nevertheless it is considered that the proposed communal area, together with the area of retained woodland which the applicant envisages would be available as open space, would provide a satisfactory level of amenity space within this development. The management of these areas can be secured through a Section 106 legal agreement.

- 6.2.5 The application as originally submitted proposed the construction of 12 dwellings on this site. The application has now been revised to reduce the number of dwellings to 10, to seek to address concerns of the Town Council and local resident over the density of the development, and to provide an overall improved layout following advice from Officers. It is acknowledged that the Town Council consider that the density is still too high. Nevertheless it is considered that the proposed development would provide an acceptable mix of dwelling types. The level of car parking provision – more than 2 per dwelling – would be acceptable, and landscaping and open space provision would be satisfactory. Officers consider that the layout would avoid a cramped appearance.
- 6.2.6 The proposal incorporates a turning area at the back of the site to allow vehicles, including delivery vehicles, to enter and exit the site in forward gear. The driveway to the 4 bedroom dwelling at the front of the site is of sufficient width to ensure that vehicles exiting the drive would not impede vehicles turning into the site from Calcutts Road. Parking provision for the semi-detached dwellings at the front of the site would be set back into the site in order to allow for the retention of existing trees on the site.
- 6.2.7 Design: The immediate built environment surrounding the site comprises a mix of dwellings styles and ages. This includes the two-storey terrace at the north-east boundary of the site, built between 1902 and 1927; and modern dwellings on the opposite side of Calcutts Road. The dwellings proposed would have similar styles and finishes to complement each other. The dwellings would incorporate open porches and chimneys, soldier course brickwork and plain clay tiles. It is considered that in principle the design of the development would be in keeping with the 19th and early 20th century house types found in the locality. The Council's Historic Conservation Officer raised some concerns regarding the design of the development as originally submitted, including over the proposed use of 3 storey elements adjacent to 2 storey existing dwellings. However the Officer considers that the revised designs and the streetscene drawings subsequently provided have alleviated some of these concerns. The Officer considers that overall the development would preserve the character of the Conservation Area providing appropriate materials and finishes are used. These matters, including roof and joinery detail, would be the subject of appropriate planning conditions on any permission granted.
- 6.2.8 Overall it is considered that the demolition of the 1960's built bungalow and the redevelopment of the site as proposed would result in an enhancement to the overall appearance of this part of the World Heritage Site and Conservation Area.
- 6.3 Landscaping and ecology**
- 6.3.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan Policy MD2 requires that development enhances, incorporates or restores natural assets.
- 6.3.2 Trees: The application is accompanied by an Arboricultural Assessment report which has assessed the condition and quality of the trees within the development site, including those on the south-western boundary forming part of the Tree

Protection Order (TPO). It has also identified the potential impacts on these trees from the siting of the dwellings. The trees subject to protection under the TPO include a variety of deciduous species with a range of heights and ages. They include ash, sycamore, silver birch, goat willow and oak. The proposed development provides for the retention of these trees. A revised layout has now been submitted which satisfactorily addresses the previous concerns raised by the County Arboriculturalist regarding the proximity of new dwellings to the protected trees.

6.3.3 A number of other trees would be removed as part of the development. These are younger trees situated to the north-eastern side of the site, outside of the TPO. The County Arboriculturalist considers that the arboricultural impact of this is not sufficient to warrant an objection to the development. It is considered that, subject to conditions requiring appropriate protection of existing trees and the landscaping of the site, the design of the proposal is appropriate having regard to the desire to retain trees that are important to the appearance of the area.

6.3.4 Protected species: The application is accompanied by a Protected Species Survey report. This identifies that there is medium potential of bats using the existing bungalow on the site as a place of rest. The Council's Ecologist has recommended that a lighting plan is submitted for approval, to ensure that disturbance to bats is minimised. This, together with conditions requiring the provision of bird and bat boxes, can be dealt with by planning conditions.

6.4 Residential Amenity

6.4.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The site lies within a residential area with existing dwellings adjacent and opposite the site. The closest residential property is situated at the north-eastern boundary of the site. The side elevation of the proposed pair of semi-detached dwellings would face onto the side elevation of this existing property which has a window at ground floor level. The proposed dwelling would have three small windows on this side elevation, for the ground floor WC and the first and second floor landing. It would be appropriate to require that these are obscure glazed to provide privacy to the adjacent residents.

6.4.2 As noted above the position of the proposed 4 bedroomed detached dwelling at the western side of the site adjacent to Calcutts Road has now been set back further into the site such that there would be a greater separation distance between its principal elevation and the side elevation of the property on the opposite side of the road. The concerns of the resident of this property that this distance to the nearest habitable rooms of this existing elevation is insufficient are acknowledged. Nevertheless this distance between the two 2-storey dwellings would be approximately 19 metres and it is not considered that potential impacts on the residential amenity of both properties would warrant refusal of the application.

6.4.3 There would inevitably be some local disturbance during construction works, and it is considered that this can be minimised through the implementation of a construction management plan.

6.5 Highways and access considerations

- 6.5.1 Shropshire Core Strategy policy CS6 seeks to secure safe developments. In relation to highway safety factors to be considered include the capacity of the local road network and access to accommodate the traffic likely to be generated and adequate parking and servicing provision. The proposed development would utilise the existing access that serves the bungalow on the site. The submitted access drawings identify the dimensions of the proposed visibility splay (Some 2 metres by 40 metres). The Highways Officer has advised that they have no objection to the proposed development and layout, but an improvement should be sought to achieve a 2.4 metres by 43 metres splay. The extent to which the visibility splay can be extended in a north-easterly direction is restricted somewhat by the presence of a stone wall which is situated at the edge of the carriageway in front of the existing terrace of properties in this direction, but the elevated position of the access and the road curvature which means that vehicles are likely to be traveling at slow speed are also factors to be taken into account in assessing visibility. In order to seek to address this the applicant's agent is investigating the possibility of modifications to increase visibility to the north-east. At the time of writing this report updated drawings had yet to be received. Members will be updated on this situation in advance of or at the Committee meeting.

6.6 Drainage considerations

- 6.6.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. SAMDev Plan policy MD2 requires that developments incorporate sustainable drainage techniques in support of policy CS18. It is proposed that surface water drainage would be to soakaway. The Council's Drainage team have advised that further details of the proposed drainage arrangements are required, and that these matters can be dealt with by planning condition. An appropriate condition is included in Appendix 1.

6.7 Land stability and contamination

- 6.7.1 The National Planning Policy Framework (NPPF) advises at paragraph 120 that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. It requires at paragraph 121 that planning policies and decisions should take account of ground conditions and land stability, and that adequate site investigation information, prepared by a competent person, is presented. Core Strategy policy CS6 seeks to secure safe developments.
- 6.7.2 The application is accompanied by an Environmental report which includes a stability assessment and a mining risk assessment. The report identifies that, due to historic mining activities in the area, ground conditions at the site are expected to comprise a variable thickness of made ground overlying the bedrock. The report recommends that further ground investigations are carried out to allow more detailed risk assessments to be prepared prior to development. It concludes that subject to the above precautions there is no reason why the site cannot be safely developed as proposed. The conditions recommended by the Council's Public Protection Officer would ensure that potential contamination is satisfactorily addressed.
- 6.7.3 The Coal Authority has advised that the site falls within the defined Development High Risk Area in respect of past coal mining activity. They consider that the layout

has been planned taking account of sufficient stand-off distance to allow for the departure distance (To take account that mine entries may not be plotted accurately) and any likely zone of influence for the mine entry. They concur with the findings of the Environmental Report that a site investigation is undertaken and confirm that it would be appropriate for this to be dealt with by planning condition. This is in line with the recommendations of the Council's Public Protection Officer, and appropriate planning conditions are set out in Appendix 1.

6.8 Archaeology

6.8.1 Core Strategy policies CS6 and CS17 seek to protect the historic environment, which includes areas of archaeological interest.

6.8.2 The submitted Heritage Assessment identifies that the main archaeological interest in the area is relate to the early coal mining and brick and tile industries. The report considers that the overgrown areas of scrub and the south-east end of the site are potentially of high archaeological interest. In view of this, the Council's Archaeology team have recommended that a programme of archaeological work is undertaken to evaluate such interest. This can be secured through an appropriate planning condition.

6.9 Affordable Housing

6.9.1 Core Strategy Policy CS11 and the Supplementary Planning Document (SPD) on the Type and Affordability of Housing require that all new open market housing development makes a contribution to the provision of local needs affordable housing. The Affordable Housing team have advised that the prevailing contribution rate for this area is 20%. A development of 10 dwellings would therefore need to provide two affordable homes on site.

6.9.2 Core Strategy Policy CS9 (Infrastructure Contributions) and the related Charging Schedule indicates that development that provides additional dwellings, or residential extensions over 100 square metres, should help deliver more sustainable communities by making contributions to the local infrastructure. The proposed development would be liable to this Community Infrastructure Levy (CIL).

7.0 CONCLUSION

7.1 The principle of residential development at this site within the development boundary of Broseley is acceptable in principle. The design and layout of the development, as amended, would ensure that protected trees are retained. The proposed design of the development would not adversely affect the character or appearance of the World Heritage Site or Severn Gorge Conservation Area. Impacts upon residential development would not be unacceptable. Detailed matters relating to tree protection, ground investigations in respect of contamination and stability, and other identified issues can be addressed by planning conditions. Matters relating to the provision of affordable housing and the management of open space on the site can be secured by a Section 106 agreement. Subject to satisfactory resolution of outstanding issues regarding the visibility splay that can be achieved, it is considered that the proposal can be accepted in relation to Development Plan policies and other material considerations, and that planning permission can be granted subject to conditions and a Section 106 agreement.

8. Risk Assessment and Opportunities Appraisal

Risk Management

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

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

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

Human Rights

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

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

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

Equalities

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

9. Financial Implications

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application include:-

National Planning Policy Framework:

6 : Delivering a Wide Choice of High Quality Homes

7 : Requiring Good Design

8 : Promoting Healthy Communities

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

12 : Conserving and Enhancing the Historic Environment

Shropshire Council Core Strategy (February 2011):

CS3 : The Market Towns and Other Key Centres

CS6 : Sustainable Design and Development Principles

CS9: Infrastructure contributions

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

SAMDev Plan:

MD2: Sustainable Design

MD3: Managing Housing Development

MD12: The Natural Environment

MD13: The Historic Environment

Supplementary Planning Documents:

Type and Affordability of Housing Supplementary Planning Document

Open Space Interim Planning Guidance (adopted January 2012)

Broseley Town Plan 2013-2026

10.2 Relevant Planning History

BR/APP/FUL/05/0665 Erection of three detached dwellings, land adjoining Top Bungalow, Refused 2005

Reasons: Not demonstrated how the development is in keeping with the site and surrounding so as not to harm the character and appearance of the area which is a Conservation Area and World Heritage Site; uniform layout and house types does not reflect the more mixed and informal character of development in the area; insufficient information to determine the stability of the land; insufficient information to assess whether reliable arrangements can be made to overcome the danger of migratory gas; adverse impact on trees on the site; adverse impact of first floor side windows on adjacent dwellings; insufficient information regarding how ground level changes are to be altered.

BR/APP/FUL/06/0793 Outline application (including means of access) for the erection of one two storey dwelling and one bungalow, The Top Bungalow, Refused 2006

Reasons: Insufficient information to determine the stability of the land; insufficient information to assess whether reliable arrangements can be made to overcome the danger of migratory gas; site is outside a settlement considered appropriate for new housing.

Appeal dismissed 2007

Reasons: Insufficient information relating to land stability and land contamination; unsustainable form of development.

14/00857/TCA To fell all Conifer trees within garden and bordering property covered by Severn Gorge Conservation Area, Top Bungalow, Calcutts Road, No objections, April 2014

11.0 ADDITIONAL INFORMATION

View online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers - Planning Application reference 14/04740/FUL

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Dr Jean Jones

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 until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.
4.
 - a) No development 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

5. Other than in relation to works required to fulfil the requirements of this condition no development shall take place until:
- a scheme of intrusive site investigations for mine entries and shallow coal workings has been submitted in writing for the local planning authority;
 - the scheme has been undertaken;
 - a report of findings arising from the intrusive site investigations has been submitted for the approval of the local planning authority;
 - a scheme of treatment for the mine entries and for remedial works for the shallow coal working has been submitted in writing for the approval of the local planning authority;
 - the approved treatment and remedial works have been completed.

Reason: To ensure a safe development given the past mining uses in the area.

6. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a 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 and as such the information is required prior to commencement to ensure that any archaeology is recorded and taken into account in the development of the site

7. No development-related works shall commence, (including vegetation / site clearance, ground levelling and demolition, if relevant) and no equipment, materials or machinery will be brought onto the site, until a scheme has been submitted to the written satisfaction of the LPA to safeguard trees, woody shrubs and hedges to be retained on and adjacent the site.

The scheme shall include a Tree Protection Plan and Arboricultural Method Statement, based upon a final site layout plan and prepared in accordance with British standard 5837: 2012 - Trees in Relation to Design, Demolition and Construction. The Method Statement shall specifically include provision for the design and installation of the communal amenity area, where this intrudes into the root protection area of mature trees to the south-west of the site, so as to avoid causing damage to those trees.

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

8. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved, to the written

satisfaction of the LPA, prior to commencement of development on site. All approved tree protection measures must be maintained throughout the duration of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered or excavations made, without the prior written consent of the LPA.

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

9. a) No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, has been submitted to and approved in writing by the LPA.

The approved planting scheme shall include:

- i) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- ii) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

b) The approved tree planting scheme shall be implemented as specified and in full within the timescale agreed with the LPA.

If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies, is uprooted or removed, or, in the opinion of the LPA becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season, unless agreed otherwise in writing with the LPA.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

10. 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/use hereby approved is occupied.

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

11. The new access road, footways, parking areas, highway surface water drainage and street lighting shall be fully implemented in accordance with details to be approved in writing by the Local Planning Authority, with the estate roads, footways, vehicle manoeuvring and turning areas constructed to at least base course macadam level and made available for use before the dwellings that they would serve are first occupied.

Reason: To ensure the provision of adequate means of infrastructure and access prior to occupation, in the interests of highway safety.

12. 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.

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

13. Demolition or construction works shall not take place outside the following times:
- Monday to Friday 07:30hrs to 18:00hrs
 - Saturday 08:00hrs to 13:00hrs
 - Nor at any time on Sundays, bank or public holidays.

Reason: In the interest of the amenity of the occupants of surrounding residential properties.

14. Before work commences on the footings to the dwellings and garages details of their proposed finished ground floor levels relative to existing site levels shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the conservation area and to safeguard neighbour amenity.

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

15. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
Reason: To ensure that the external appearance of the development is satisfactory.
16. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To safeguard the character and appearance of the conservation area.

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

Reason: To safeguard the character and appearance of the conservation area.

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

Reason: To safeguard the character and appearance of the conservation area.

19. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- Identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - Show how and where external lighting will be installed (through the 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 in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

20. Prior to the first occupation of the dwellings details of three bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

21. Prior to the first occupation of the dwellings three artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site.

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

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

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 shall be erected, constructed or carried out over any mine entry identified in the site investigation report required as part of condition 5 of this planning permission.

Reason: To maintain a safe development given the past mining use of the area.

23. The windows in the northeast elevation of the semi-detached dwelling adjacent to Calcutts Road shall be permanently glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation.

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

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
3. In determining this application the Local Planning Authority gave consideration to the following policies:
Central Government Guidance:
National Planning Policy Framework
Shropshire Core Strategy and saved Local Plan policies:
Shropshire Core Strategy:
Policy CS3 (The Market Towns and Other Key Centres)
Policy CS6 (Sustainable Design and Development Principles)
Policy CS9 (Infrastructure Contributions)
Policy CS11 (Type and Affordability of Housing)
Policy CS17 (Environmental Networks)
Policy CS18 (Sustainable Water Management)

Site Allocations and Development Management (SAMDev) Plan:
MD1 (Scale and Distribution of Development)
MD2 (Sustainable Design)
MD12 (Natural Environment)
MD13 (Historic Environment)
4. The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways. However no details and sizing of the proposed soakaways have been supplied. As stated within the Design and Access

Statement, percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. If soakaways are not feasible, drainage calculations to limit the proposed discharge, for a range of 1 in 100 year plus 30% storm durations, to an equivalent existing run-off rate based on a rainfall intensity of 50mm/hr, plus 50% betterment, should be submitted for approval. The attenuation drainage system should be designed so that there will be no flooding of any property either within the proposed development or any other in the vicinity. There should be no discharge to a surface water body or sewer that results from the first 5mm of any rainfall event. Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

Confirmation is required that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

Although permeable surfacing is used on the driveways, where they slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

On the Pluvial Flood Map, the site is at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level. Reason: To minimise the risk of surface water flooding.

If using water butts on site these must be monitored to ensure they do not overflow. Opening the tap to allow water to drain freely from the water butt is acceptable as this will act as to attenuate the flow of the surface water collected. It is recommended that the flow route from the water butt is determined to ensure this does not cause issues elsewhere on site.

Consent is required from the service provider to connect into the foul main sewer.

5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

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

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

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

6. General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

7. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

construct any means of access over the publicly maintained highway (footway or verge) or

carry out any works within the publicly maintained highway, or

authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or

undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

<https://www.shropshire.gov.uk/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.

8. Advice from West Mercia Constabulary: The applicant should aim to achieve the Secured by Design (SBD) award status for this development. BD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com

Attention is drawn to Section 17 of the Crime and Disorder Act 1998 which clearly states. "It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area".