

Development Management Report

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Summary of Application

Application Number: 16/01651/OUT	Parish:	Shrewsbury Town Council
Proposal: Outline application for residential development to include access		
Site Address: Proposed Residential Development Land Off Washford Road Shrewsbury Shropshire		
Applicant: Mr A Corfield		
Case Officer: Frank Whitley	email: planningdmc@shropshire.gov.uk	

Grid Ref: 348214 - 310600



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

Recommended Reason for Approval

REPORT

1.0 THE PROPOSAL

1.1 The application seeks outline permission for the development of 6No residential dwellings to include a means of access.

1.2 The site is within, though on the edge of Meole Brace Conservation Area.

1.3 Outline planning permission was granted for the same scheme on 19 August 2013 under reference 12/04866/OUT. This planning permission has not been progressed and has now lapsed.

1.4 An earlier identical application 11/04364/OUT was refused and also dismissed at appeal, though only on the grounds of affordable housing contribution issues. In all other respects the application was found to be satisfactory, despite other reasons for refusal given by the Council. This appeal decision is a material consideration.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is long and thin, but wider close to the site access. For the most part it lies between a railway line and allotment gardens which are bounded by Washford Road. The site was formerly a builders yard though is now understood to be used in connection with a marquee business. The site also contains workshops and blocks of lock-up garages, of which the 13 nearest to the access would be retained. The existing access to the garages is to remain open.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution. At the request of the locally elected member, the Area Planning Manager and Chair of the Central Planning Committee have decided that the application should be decided by elected Members.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 **Ecology- no objection** subject to conditions and informatives

An Ecological Appraisal was carried out on this site in June 2016 by Pearce Environment.

Habitats

The site 'comprises of a long, narrow strip of disturbed land and hardstanding, on which are set several buildings'. Running adjacent to the north-western boundary is a single track railway line and allotments lie adjacent to the south-western boundary.

'More garden allotments lie beyond the railway line to the northwest of the site, whilst the surrounds to the south and east consist mainly of residential areas.'

'The majority of the site consists of a large area of hardstanding, on which is placed three garage buildings and a storage building in the northeast portion of the site, plus a larger building used for office/ business purposes in the centre of the site'.

'The 13 individual garage units of the first building, closest to the northeast boundary of the site, are to be retained during development, but the remaining units and garage/ storage buildings are [to] be removed'.

Palisade fencing forms the north-eastern and north-western boundaries of the site. 'Narrow strips of raised concrete and some disturbed land dot this boundary'.

'The eastern-most section of the southeast boundary consists of an intact hedgerow'. 'The mid-section of the southeast boundary is composed of further metal palisade fencing, most of which lies within a defunct, hawthorn-dominated hedgerow'. 'The western-most end of the southeast boundary consists of timber-panelled fencing, some of which is intact but some of which is damaged and has gaps leading into the allotments directly to the south of the site ... Sporadic strips of disturbed land, some of which is set upon raised concrete, run adjacent to this boundary.'

'The southwest portion of the site consists of an area of disturbed land'. 'This disturbed area is filled with a large variety of debris including timber and metal sheets, machinery parts, bulk bags and brick/ slab piles.'

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

Reptiles

The site contains 'potential refugia and some basking opportunities for common

reptile species and local records for common lizard were found within 2km of the site.’ A reptile survey was therefore undertaken in June and July 2016.

At least one common toad was recorded during six of the seven survey visits (with a maximum count of 4 adults and 1 juvenile). A field vole was also recorded on one occasion.

‘Although no reptile species were found on the site [during the surveys], due to the presence of local records for common lizard, optimal habitat on site and presence of common toads, Reasonable Avoidance Measures (RAMs) have been detailed in Section 4 to mitigate the risk of injury to herptile species.’ The method statement, which should be followed in full during the works, includes the following elements:

- An Ecological Clerk of Works (ECW) will be appointed to ensure that the reasonable avoidance measures are enforced.
- The ECW will carry out a pre-commencement walkover of the site.
- ‘A hand search for herptiles will be undertaken by the appointed ECW prior to removal of any structures, refugia or vegetation on site.’
- If any herptiles are found when the ECW is not present, the ECW will be contacted for advice.
- ‘Contractors are not to handle herptiles unless informed to do so by the ECW.’
- ‘Any excavations will be back-filled on the same day as excavation, or checked by the ECW immediately prior to backfilling.’
- ‘A means of escape, such as a wooden ramp, will be provided in all excavations or, alternatively all excavations should be well-covered with plywood.’
- ‘No piles of loose materials from building removal such as bricks, timbers and roofing materials are to be created during works.’
- ‘All material will be kept on existing areas of hardstanding or removed immediately from the site.’

Amphibians

There is a large amount of debris on the site which provides potential refugia for amphibians. During a hand search under debris, a common toad and a juvenile smooth newt were found.

There is a pond approximately 15m to the south-west of the site. A Habitat Suitability Index assessment scored this pond as having ‘Below Average’ suitability to support great crested newts. Common frog tadpoles and four smooth newts were observed during netting of the pond.

Given the close proximity of the pond to the site, ‘eDNA analysis was undertaken to determine the presence/likely absence of great crested newts.’ ‘The results of the eDNA testing came back negative for great crested newt, indicating their absence

from Pond 1 during the breeding season’.

Further surveys for great crested newts are therefore not required, but a Reasonable Avoidance Measures Method Statement has been provided by Pearce Environment to ensure that amphibians (and reptiles) are not harmed by the development.

Bats

‘Several of the buildings on site had small crevices between the roof and walls which provide moderate potential for roosting bats. However, these crevices were covered in cobwebs and no further evidence of bat presence was found.’

The site may be used by foraging and commuting bats.

To enhance the roosting opportunities on the site post-development, bat boxes should be erected on the new buildings.

New lighting on the site should be sensitive to bats and follow the Bat Conservation Trust’s guidance. ‘All proposed new lighting will be directed away from any vegetated boundary features to retain dark corridors for commuting bats.

Birds

The buildings and hedgerows provide potential nesting opportunities for birds.

Vegetation removal and removal of the buildings should take place between October 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 then works cannot commence until the young birds have fledged.

To enhance the nesting opportunities on the site post-development, a selection of bird boxes should be erected on the new buildings.

Badgers

No evidence of badgers was observed on or near the site.

Conditions and informatives

The following conditions and informative are recommended for inclusion on the decision notice:

Ecological survey – working in accordance with Herptile RAMMS

Development shall occur strictly in accordance with section 4 of the Ecological Appraisal (Pearce Environment, June 2016), unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of reptile and amphibian species.

Landscaping plan

No development or clearance of vegetation shall take place until a scheme of landscaping has been submitted and approved. The works shall be carried out as approved, prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority, unless the local planning authority gives written consent to any variation. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. hibernacula)
- 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

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

Erection of artificial nesting/roosting boxes

Prior to the first occupation of the buildings hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.

The following artificial nesting/roosting boxes shall be provided:

1. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species.
2. A total of 2 woodcrete artificial nesting boxes suitable for house sparrows.
3. A total of 2 woodcrete artificial nesting boxes suitable for robins, blackbirds or tit species.

4. A total of 2 woodcrete artificial nesting boxes suitable for house martins or swifts.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with section 11 of the National Planning Policy Framework.

Lighting plan

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 *Bats and Lighting in the U.K.* guidance.

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

4.1.2 Conservation- no objection

Further to our earlier comments we acknowledge that the agent has now submitted an Addendum to the Design and Access Statement which makes reference to the location of this site within the Conservation Area boundaries, and that any development here will need to be sited and designed such that it will preserve and enhance the character and appearance of the Conservation Area. Should this application be approved we request that our Team is consulted at the Reserved Matters stage, and we recommend that conditions are included in the Decision Notice requiring full details for review and approval of the layout, scale, architectural detailing, external materials, external finishes, boundary treatments/enclosures and landscaping.

4.1.3 Archaeology- no comment

4.1.4 Public Protection- no objection subject to conditions relating to safeguarding against contaminated land

Having viewed the proposed elevations it is noted that no windows on the elevation facing the railway will be provided into habitable rooms. As a result I have no specific noise concerns associated with internal areas. External areas are placed away from the road and therefore provided with a level of protection considered appropriate in this location. As the land is adjacent to the railway line there is the potential for contamination of the land as a result of historical use. As a result the following condition is recommended:

Contaminated land

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and

the Environment Agencys 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 conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committeeservices/>

[Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf](http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf)

4.1.5 **Highways – no objection** subject to conditions and informatives

Recommendations

No Objection – subject to the development being carried out in accordance with the approved plans and the following conditions/informatives.

Observations/Comments:

It is noted that a previous proposal for residential development on this site was secured on appeal. The existing residential streets (Washford Road and Station Road) is satisfactory to accommodate the number of dwellings being sought by this current outline planning application. Subject to the construction of a suitable new access and service road, including the appropriate car parking spaces, turning and passing facilities. The adjacent streets are particularly sensitive in respect to on-street car parking. Therefore any vehicular activity generated by this site should not compromise or exacerbate the current status quo.

Conditions:

New Access

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/brought into use.

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

Car Parking

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

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

Visibility Splays (Dimensioned in Condition)

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 x43 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 0.225 metres above the level of the adjacent highway carriageway.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

On-site Construction

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

Construction traffic management plan, to control and manage all vehicular activity associated with the development to & from the site, along the local highway network.

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

Informatives:

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:

- 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.

Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

4.1.6 Affordable Housing- no objection

The affordable housing team were consulted and responded prior to the following WMS becoming a material consideration.:

Affordable housing is considered further as a main issue later in the report

4.1.7 SUDS- no objection subject to conditions and informatives

The proposed surface water drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

1. The Surface Water Management Plan state 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. 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 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. 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.

The Highway Authority will accept surface water drainage from the adopted road to discharge into soakaways provided the percolation tests show that the ground is suitable for soakaways.

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.

2. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slopes towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access/ driveway runs onto the highway.

3. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces.

4. Informative: As part of the SuDS, the applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new access, driveway, parking/paved area

Attenuation

Greywater recycling system

Green roofs

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

4.1.8 **Shropshire Fire and Rescue- no objection**

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of all points within the dwelling house. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

Sprinkler Systems - Residential Premises

In relation to the residential premises within the application, the benefit of installing a correctly designed sprinkler system which can detect and control a fire at an early stage of development will rapidly reduce the rate of production of heat and smoke. Evidence suggests that where fire sprinkler systems have been fitted, fire deaths have almost been eliminated, fire injuries reduced by over 80%, and a significant improvement in fire fighter safety achieved. In addition, property damage has been reduced by over 80% and where sprinklers are fitted there is a considerable reduction in the volume of water taken from service mains by the fire and rescue service for fire fighting.

Accordingly, It is recommended that consideration is given to the installation of

sprinkler systems within the residential properties that conform to the 'BS 9251:2005 - Sprinkler Systems for Residential and Domestic Occupancies - Code of Practice' published by the British Standards Institute.

Further guidance on residential sprinkler systems can be obtained by contacting the British Automatic Sprinkler Association Ltd on 01353 659187 or their web site www.basa.org.uk

4.1.8 **Shrewsbury Town Council- no objection**

Commenter Type: Parish Council

Stance: Customer made comments neither objecting to or supporting the Planning Comment: The Town Council notes that a new application has been submitted for this location and maintains the view that the size and shape of this site as wholly inappropriate for residential development and the proximity of the site to the railway line will engender a poor quality of life for its residents. Additionally Washford Road already has significant parking and access pressures. This development places an even greater burden on a road that already struggles to cope.

4.1.9 **Public Comments**

25 objections have been received including from Meole Village Residents Association. Issues can be summarised as follows:

The submission does not recognise the significance of the Conservation Area
Dwellings should be bungalows in order to reduce impact on setting

Current use of site not as described in application

Part of the site is not “waste land” as described in application

Washford Road has no footpath

Access difficult for large lorries eg refuse collection and emergency vehicles

Washford Road inadequate for increased traffic levels

Development will shade out allotment

Drainage and sewerage capacity

Possible contamination of land

Loss of hedge to facilitate new access

Loss of existing car parking spaces

Impact on residential amenity of future occupiers and neighbouring residents

Washford road and Station Road are pedestrian routes, particularly for schoolchildren

Area of extended “wasteland owned by British Rail” in application is in fact an extended garden with wildlife pond

Submitted drawings may not be to scale

Site notice not adequately displayed

Inaccuracies/inconsistencies with D&A statement

Traffic situation has got worse since 2010

Sewerage and electricity system inadequate

Garages cannot be used by residents of the development because they are already in use.

Harm to quality of environment and quality of life

5.0 THE MAIN ISSUES

Principle of development

Impact upon character of Meole Brace Conservation Area

Highways and Access

Residential Amenity

Affordable Housing

Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

6.1.2 The NPPF states that one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

6.1.3 CS6 seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.

6.1.4 The provision of housing within the urban area of Shrewsbury according to the adopted SAMDev Plan S16. Core Strategy CS2 and MD1 identifies Shrewsbury as the primary focus for housing development for Shropshire.

6.1.5 S16.1 states that Shrewsbury will provide the primary focus for development for Shropshire, as a sub-regional centre and Shropshire's growth point, providing approximately 6,500 dwellings and 90 hectares of employment land during the period 2006-2026.

CS2 also seeks to make the best use of previously developed land

6.1.6 The application site is a brownfield site adjacent to a railway on the edge and within Meole Brace Conservation Area in Shrewsbury.

6.1.7

6.2 **Impact upon character of Meole Brace Conservation Area**

6.2.1 The NPPF states at Chapter 12 that LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. LPAs are required to take into account the desirability of new development making a positive contribution to local character and distinctiveness.

6.2.2 CS17 and MD13 together seek to ensure that wherever possible proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings.

6.2.3 The Washford Road area of Meole Brace comprises regular rows of attractive terraced and semi-detached housing facing directly onto the road, though typically with small front gardens. The proposed indicative plans show similarly small dwellings, which are considered capable of being designed and constructed to reflect the typical design of nearby dwellings. The submitted plans and updated Design and Access statement and has been considered by the Conservation Officer and no objection has been received.

6.2.4 The shape and size of the site is unusual, though having regard to the indicative plans submitted, it is considered that the site can be developed without detriment to the character of the Conservation Area, the setting of the allotments and without conflict with CS17 and MD13. Accordingly, the proposal does not conflict with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.3 **Highways and Access**

6.3.1 Station Road allows to way traffic up to the point of the existing application site access. Washford Road is one way from north to south.

6.3.2 A new access is intended to be created approximately 42m along Washford Road. For the avoidance of doubt, the existing access is proposed to remain open (some inconsistencies in the application have been noted) and the garages to the north of the new access will remain in place.

6.3.3 The application site is no longer used as a builders yard, but instead by a marquee business. The current use is still capable of generating traffic and could in any event revert to the former use. The adjacent streets are noted to be particularly sensitive to parking pressures and use by larger vehicles. However there is no reason once construction is completed, why the development should add to parking pressure because parking spaces are allocated within the application site. It also is

not considered that the development would significantly add to existing traffic levels.

Shropshire Council Highways raise no objection (subject to the imposition of conditions relating to the access, car parking and visibility splays).

6.3.4

6.4 **Residential Amenity**

6.4.1 CS6 seeks to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.

6.4.2 The indicative floor plans and layout provide comfortable living accommodation for each dwelling. The application states that internal floor areas of 60sqm can be achieved over two storeys within a garden area for each dwelling of 60sqm. Passing width to the front of each dwelling is 4.6m. On balance, amenity within the site is considered to be satisfactory.

6.4.3 Public Protection team has considered the proximity to the railway. In as far as indicative plans are capable of illustrating, occupiers are not likely to be subject to unreasonable noise or vibrations. No objections have been raised, other than the suggestion of a condition relating to possible contamination of the land.

Neighbouring dwellings on Washford Road will overlook the proposed dwellings, but at a minimum distance of approx. 30m separation, privacy will not be unreasonable affected. Short distance views over the allotments will remain.

Short term disruption and loss of amenity will occur during the construction period, though this can be reduced by imposition of a condition limiting construction hours.

6.5 **Affordable Housing**

6.5.1 The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on the 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sqm), or 5 units or less in designated protected rural areas.

6.5.2 Following the quashing of this WMS at the High Court, the WMS has now been reinstated following a successful challenge by the Government through the Court of Appeal. Consequently Planning Practice Guidance was amended on 19th May 2016 to reflect the WMS.

6.5.3 At this juncture, in accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not normally require an Affordable Housing Contribution

for applications for 10 or less dwellings and less than 1,000sqm floor area in the majority of cases.

6.5.4 This proposed development consists of the provision of six dwellings and will create less than 1,000m² of floor space. Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre-date the Court of Appeal decision and subsequent changes to the National Planning Policy Guidance, meaning that on balance and at this moment in time, National Policy prevails.

6.5.5 The erection of six dwellings in this location will boost housing supply and bring considerable economic benefits through construction. Having regard to WMS, these benefits are considered to outweigh the requirement for an affordable housing contribution.

The proposal to provide six dwellings would not need a Section 106 agreement for the provision of an affordable housing contribution in this instance. The proposal will still be liable for CIL.

6.5.6

6.6 Other matters

6.1 It is recognised that since the 2012 appeal decision, the SAMDev Plan has become part of the local development plan. The previous appeal decision had regard to the NPPF and the Shropshire Council Core Strategy which are unchanged in as far as relevant aspirations and policies are concerned.

6.2 In relation to this application, policies of the SAMDev Plan are taken into account as part of the development plan. Nevertheless, it is not considered that they weigh against the Inspector's views in the previous appeal which are a significant material consideration. In particular, MD2 (Sustainable Design) will be more relevant at the reserved matters stage.

7.0 CONCLUSION

7.1 Overall, it is considered that the indicative plans demonstrate that six small dwellings can be constructed whilst still maintaining amenity for occupiers and neighbouring residents. There is no conflict with the character of the Meole Brace Conservation Area and Highways have raised no objections to traffic and parking issues. The indicative scheme is considered to accord with the NPPF, CS2, CS6, CS17, MD13. Planning permission is recommended

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/10/00602 Erection of 5 residential dwellings and conversion of existing industrial building into a further 3 residential dwellings REC
10/03606/OUT Outline application for the erection of 6 no.semi-detached dwellings to include access REFUSE 28th September 2010
11/04364/OUT Outline (access) application for the erection of 6 no.semi-detached dwellings REFUSE 9th March 2012
12/04866/OUT Outline application for the erection of 6no. semi-detached dwellings to include access GRANT 19th August 2013
16/01651/OUT Outline application for residential development to include access PCO
SA/86/1167 Erection of a new detached single storey pitched roof replacement workshop, store and office to be used in connection with existing builders business and yard. PERCON 15th January 1987
SA/89/0820 Erection of builders workshop/store (amendment to previously approved workshop/store to extend approved building by 1.200m). PERCON 25th October 1989

Appeal

12/01966/REF Outline (access) application for the erection of 6 no.semi-detached dwellings DISMIS 26th October 2012

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 M. Price

Local Member

Cllr Nic Laurens

Appendices
APPENDIX 1 - Conditions

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

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

Reason: 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.

2. 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.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in

accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and Neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors. Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

[http://shropshire.gov.uk/committeeservices/
Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-
%20Appendix.pdf](http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf)

Reason: To ensure the site is safe for residential use

5. 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/brought into use.

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

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

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works
- o Construction traffic management plan, to control and manage all vehicular activity associated with the development to & from the site, along the local highway network.

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

7. The Surface Water Management Plan state 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. 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 35% for climate change. Alternatively, we accept

soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted and approved by the Local Planning Authority prior to the commencement of works

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

The Highway Authority will accept surface water drainage from the adopted road to discharge into soakaways provided the percolation tests show that the ground is suitable for soakaways. 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.

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

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

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

9. 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 x43 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 0.225 metres above the level of the adjacent highway carriageway.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

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

10. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slopes towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access/ driveway runs onto the highway.

11. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces.

12. Construction work shall not take place and construction traffic shall not access the site outside the hours of 0800-1730 on weekdays and 0800-1300 Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenity of the area

Informatives

1. 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 a 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.

Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

2. Informative: As part of the SuDS, the applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new access, driveway, parking/paved area

Attenuation

Greywater recycling system

Green roofs

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

3. As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link:
<http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of all points within the dwelling house. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. 'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

Sprinkler Systems - Residential Premises

In relation to the residential premises within the application, the benefit of installing a correctly designed sprinkler system which can detect and control a fire at an early stage of development will rapidly reduce the rate of production of heat and smoke. Evidence suggests that where fire sprinkler systems have been fitted, fire deaths have almost been eliminated, fire injuries reduced by over 80%, and a significant improvement in fire fighter safety achieved. In addition, property damage has been reduced by over 80% and where sprinklers are fitted there is a considerable reduction in the volume of water taken from service mains by the fire and rescue service for fire fighting.

Accordingly, It is recommended that consideration is given to the installation of sprinkler systems within the residential properties that conform to the 'BS 9251:2005 - Sprinkler Systems for Residential and Domestic Occupancies - Code of Practice' published by the British Standards Institute.

Further guidance on residential sprinkler systems can be obtained by contacting the British Automatic Sprinkler Association Ltd on 01353 659187 or their web site www.basa.org.uk